

ROUSSEAU



On the
Social
Contract

JEAN-JACQUES ROUSSEAU

ON THE SOCIAL CONTRACT
OR
PRINCIPLES OF POLITICAL
RIGHT

Translated by
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TRANSLATOR'S NOTE

This translation is based upon the 1762 French edition of *Du Contrat social*. Rousseau's additions to that text in a later edition (1782) are given in the footnotes.

Footnotes from Rousseau's text begin with the phrase [*Rousseau's note*]; those supplied by the translator begin with the phrase [*Translator's note*]. The quotations in languages other than French that Rousseau has inserted into his text have been translated into English within the text, and the original words have been included in a footnote.

ON THE SOCIAL CONTRACT
OR
THE PRINCIPLES OF POLITICAL RIGHT
BY
JEAN-JACQUES ROUSSEAU
CITIZEN OF GENEVA

Let us speak of the laws of an equal federation. (*Aeneid* XI)

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ON THE SOCIAL CONTRACT

PREFACE

This small treatise is part of a more extensive work that I carried out earlier, without having taken into account my own powers, and that I abandoned a long time ago. Of the various parts one could extract from what it was, this is the most significant, and to me it seemed the least unworthy of being offered to the public. The rest no longer exists.

BOOK ONE

I wish to explore whether in the civil order, if one takes men as they are and laws as they might be, there can be some sure and legitimate rule of administration. In this search, I will attempt always to unite what right permits with what interest prescribes, so that there will be no division of justice and utility.

I launch my undertaking without demonstrating the importance of my subject. People will ask me if, writing on politics, I am a prince or a lawgiver. My answer is that I am neither, and that is the reason I am writing on politics. If I were a prince or a lawgiver, I would not waste my time talking about what must be done. I would do it, or remain silent.

Since I was born a citizen of a free state and a member of the sovereign, no matter how weak the influence of my voice on public affairs may be, the right to vote on such issues is enough to impose on me the duty to instruct myself about them. And every time I meditate on governments, I am happy that in my research I always find new reasons to love the government of my country!

CHAPTER 1

SUBJECT OF THIS FIRST BOOK

Man is born free, and everywhere he is in chains. Someone who believes he is the master of others does not escape being more enslaved than they. How did this transformation come about? I do not know. What can render it legitimate? This question I believe I can resolve.

If I were to consider nothing but power and the effects that follow from it, I would say: as long as a people is compelled to obey and does obey, it is doing well; as soon as it can throw off its yoke and does shake it off, it is doing even better, for by recovering its liberty through the same right that robbed the people of it, either it is justified in taking it back or those who deprived the populace of freedom had no justification for doing so. But the social order is a sacred right that serves as the foundation for all the others. This right, however, does not come from nature and is thus founded on conventions. It is a matter of knowing what these conventions are. Before coming to that, I ought to establish what I have just asserted.

CHAPTER 2

ON THE FIRST SOCIETIES

The oldest of all societies and the only natural one is that of the family. Even there, the children remain linked to the father only as long as they need him for their self-preservation. As soon as this need ends, the natural bond dissolves. Once the children are free of the obedience they owed their father and the father is free of the care he owed his children, they all return equally to independence. If they continue to remain

united, this is no longer natural but voluntary, and the family maintains itself only by convention.

This common liberty is a consequence of the nature of man. His first law is to look after his own preservation, his first cares are those he owes himself, and as soon as he reaches the age of reason, since he is the sole judge of the means appropriate to preserving himself, he thereby becomes his own master.

Thus, the family is, if you will, the first model of political societies. The leader is viewed as the father, and the people as the children. Since they are all born equal and free, they do not alienate their freedom except for their own advantage. The only difference is that in the family the love of the father for his children repays him for the care he takes of them, and that in the state the pleasure of commanding replaces this love, which the leader does not feel for his people.

Grotius denies that all human power is established for the benefit of those who are governed. He cites slavery as an example. His most characteristic style of reasoning is always to establish right by fact.¹ One could use a more logical method, but not one more favorable to tyrants.

Thus, according to Grotius, it is unclear whether the human race belongs to a hundred men or whether these hundred men belong to the human race, and in his whole work he seems to incline towards the former opinion. That is also Hobbes's sentiment. And in this way, the human

¹[Rousseau's note] *Scholarly studies into public right are often merely histories of ancient abuses, and one is labouring in vain when one takes the trouble to study them too much.*" Manuscript of *A Treatise on the Interests of France in Relation to her Neighbours*, by the Marquis L. M. d'Argenson. That is precisely what Grotius has done. [Translator's Comment] Hugo Grotius (1583-1645): an eminent and extremely influential philosopher, who wrote extensively on international and natural law.

race is divided into herds of cattle, each of which has its chief, who guards it in order to devour it.²

As a shepherd has a nature superior to that of his flock, so the shepherds of men, who are their leaders, also possess a nature superior to that of their peoples. The emperor Caligula, according to what Philo reports, reasoned this way, and from this analogy came to the appropriate conclusion that either kings were gods or the people were beasts.³

Caligula's reasoning is the same as the arguments in Hobbes and Grotius. Before all of them, Aristotle had also claimed that men are not naturally equal, but that some are born for slavery and others for dominion.

Aristotle was correct, but he took the effect for the cause. All men born into slavery are born for slavery. Nothing is more certain. Slaves lose everything in their chains, even the desire to escape them. They love their servitude, just as Ulysses' companions loved their brutish condition.⁴ So then if there are slaves by nature, that is because there have been slaves against nature. Force made the first slaves; their cowardice has kept them so.

I have not said anything about king Adam or about emperor Noah, father of three great monarchs who divided up the universe among them, as did the children of Saturn, whom some have claimed they recognize in Noah's sons. I hope that people will find my moderation agreeable, for since I am a direct descendant of one of these princes—perhaps of the oldest branch—how do I know that with a verification of titles, I might

²[Translator's note] Thomas Hobbes (1588–1679): an English philosopher and author of *Leviathan* (1651), a groundbreaking work on political philosophy.

³[Translator's note] Philo of Alexandria (c. 20 BC–c. 50) a Jewish philosopher, born in Egypt; Caligula (12–41): a Roman emperor notorious for his cruelty and irrationality.

⁴[Rousseau's note] See Plutarch's short essay entitled *That Animals Use Reason*.

not find myself the legitimate king of the human race? Whatever the case, one cannot deny that Adam was the sovereign of the world, just as Robinson [Crusoe] was of his island, as long as he was the sole inhabitant. And this empire had the advantage that in it, the monarch was secure upon his throne, and had to fear neither rebellions, nor wars, nor conspirators.⁵

CHAPTER 3

ON THE RIGHT OF THE STRONGEST

The strongest is never strong enough to be master all the time, unless he transforms his power into right and obedience into duty. From that comes the right of the strongest, a right which, although apparently intended ironically, is truly established in principle. But are we never to receive an explanation of this phrase? Force is physical power. I do not see what morality can result from its effects. To yield to force is an act of necessity, not of will, at most an act of prudence. In what sense can that be a duty?

Let us assume for a moment this alleged right. I maintain that the result of such a right is nothing but inexplicable nonsense. For as soon as it is force that creates right, the effect changes with the cause. Every force that is more powerful than the first inherits its right. Once we can disobey with impunity, we can do so legitimately, and since the strongest is always right, it is simply a matter of making ourselves the strongest. But what kind of right perishes when force ends? If we must obey because of force, we have no need to obey because it is our duty, and if we are no longer forced to obey, we have no obligation to do so. One can see,

⁵[Translator's note] The three children of Saturn were Jupiter, Neptune, and Pluto (in Greek the father was Cronos, and the children were Zeus, Poseidon, and Hades). They divided up the world when Jupiter overthrew Saturn. Robinson Crusoe, the hero of a novel by Daniel Defoe was shipwrecked on an island.

therefore, that this word *right* adds nothing to *force*. Here it signifies nothing at all.

Obey those in power. If that means yield to force, it is a good precept, but superfluous. I reply that it will never be violated. All power comes from God—that I concede—but all sickness comes from Him as well. Does that mean we are forbidden to summon the doctor? If a brigand surprises me in a part of the forest, am I not merely compelled by force to surrender my purse, but also in conscience obliged to give it to him, when I could withhold it? For in the end, the pistol he holds is also a power.

So let us agree that force does not create right, and that we are obliged to obey only legitimate powers. Thus, we inevitably return to my original question.

CHAPTER 4 ON SLAVERY

Since no man has a natural authority over his fellow man and since force creates no right, therefore conventions remain as the basis of all legitimate authority among human beings.

If a particular individual can alienate his liberty, Grotius says, and make himself the slave of a master, why could not an entire people alienate its liberty and make itself subject to a king? In this question there are a number of ambiguous words that require an explanation, but let us restrict ourselves to that word *alienate*. To alienate means to give or to sell. Now, a man who makes himself the slave of someone else is not giving but selling himself, at least for his subsistence. But why does a people sell itself? A king, far from providing his subjects their subsistence,

derives his own only from them, and, according to Rabelais, a king does not live on a pittance. So, do subjects surrender their persons on condition that their goods will also be taken away? I do not see what they have left to preserve.⁶

Some will say that the despot assures his subjects civil tranquility. That may be so, but what do they gain from that, if the wars that his ambition draws them into, if his insatiable greed and the humiliating demands of his ministers bring them more desolation than their own quarrels would have done? What do they gain from it, if this tranquility is itself one of their miseries? People also live peacefully in dungeons. Is that enough to make them a good place to live? The Greeks imprisoned in the cave of Cyclops lived there peacefully, while waiting for their turn to be devoured.⁷

To say that a man gives himself gratuitously is to make an absurd and inconceivable claim. Such an act is illegitimate and void, for the sole reason that the man who does it is not in his right mind. To say the same thing about an entire people is to assume a population of madmen. Madness creates no rights.

Even if each man were able to alienate himself, he cannot alienate his children. They are born human beings and free. Their liberty belongs to them. They alone have the right to dispose of it. No one else has that right. Before they reach the age of reason, the father can stipulate in their name the conditions for their preservation, for their well-being, but he cannot give them away irrevocably and unconditionally. For such a gift is

⁶[Translator's note] Francois Rabelais (1483-1553): French monk, doctor, and writer, famous for his bawdy satires.

⁷[Translator's note] The Cyclops was a one-eyed monster who ate human flesh. The reference is to an episode in Homer's *Odyssey* where Odysseus and some of his crew are trapped in the Cyclops' cave.

contrary to the ends of nature and goes beyond the rights of paternity. Thus, for an arbitrary government to be legitimate, in every generation the people would have to have the power to accept or reject it. But then this government would no longer be arbitrary.

To renounce one's liberty is to renounce one's quality as a man, the rights of humanity, and even his duties. There is no possible compensation for someone who surrenders everything. Such a renunciation is incompatible with the nature of man, and to remove all liberty from someone's will is to remove all morality from his actions. Finally, it is an empty and contradictory convention to stipulate, on the one hand, an absolute authority and, on the other, an unlimited obedience. Is it not clear that we have no obligations towards someone from whom we have the right to demand everything? And does this condition alone, where there is no equivalence or exchange, not involve nullifying the act? For what right would my slave have against me, since all he possesses belongs to me? Now that his right is mine, this right I have against myself is meaningless.

Grotius and others derive from warfare another origin for the alleged right of slavery. Since the victor, according to them, has the right to kill the vanquished, the latter can purchase his life back at the expense of his liberty, and this convention is all the more legitimate because it is profitable to both parties.

But it is clear that this alleged right to kill the vanquished in no way results from the state of war. Given the simple fact that human beings living in their original independence have no sufficiently constant relations among themselves to constitute either a state of peace or a state of war, they are not naturally enemies. What constitutes war is a relationship between things and not between men, and since a state of

war cannot arise from simple personal relationships, but only from relationships involving property, a private war or a war of man against man cannot exist, either in the state of nature, where there is no definite property, or in the social state, where everything is under the authority of laws.

Individual fights, duels, and confrontations are not acts that establish a state, and as far as private wars are concerned, authorized by the ordinances of Louis IX, king of France, and suspended by the peace of God, these are abuses of feudal government, an absurd system if ever there was one, contrary to the principles of natural right and to all good politics.⁸

Hence, war is not a relation between one man and another, but between one state and another. In war individuals are enemies only by accident, not as men, nor even as citizens, but as soldiers; not as members of their homeland, but as its defenders.⁹ Finally, each state can have as its enemies only other states and not other men, for between things with such different natures we can establish no true relationship.

⁸[*Translator's note*] The *Établissements* of Louis IX (1214-1270), king of France, compiled around 1273, contains a set of ordinances governing conduct at the court in Paris. The Peace of God was an attempt by the Catholic Church (starting in the late tenth century) to limit private wars with spiritual sanctions rather than by force.

⁹[*Translator's note*] Here the edition of 1782 adds the following passage: "The Romans, who had a better understanding of and a greater respect for the right of war than any nation on earth, carried their scruples about this matter so far that they did not permit a citizen to serve as a volunteer unless he had expressly committed himself against the enemy and against a particular named enemy. When a legion in which Cato the Younger was doing his first military service under Popilius was being decommissioned, Cato the Elder wrote to Popilius that if he wanted his son to continue to serve under him, he would have to make him swear a new military oath, because, once his first oath was annulled, he could no longer bear arms against the enemy. And the same Cato wrote to his son to take care to present himself for combat only after he had sworn this new oath. I know that one could counter my argument with the siege of Clusium and other specific examples, but my concern is to cite laws and customs. The Romans were those least likely to transgress their own laws, and they are the only ones who have had such excellent legislation."

This principle even complies with the established maxims of all times and with the constant practice of all civilized peoples. Declarations of war are warnings, not so much to those in power as to their subjects. A foreigner—whether king, individual, or people—who steals, kills, or detains the subjects without declaring war on the prince is not an enemy but a brigand. Even in the middle of a war, a just prince in a hostile country rightly seizes everything that belongs to the public, but he respects the persons and the goods of individuals. He respects the rights on which his own are founded. Since the end of war is the destruction of the enemy state, one has a right to kill its defenders as long as they bear arms. But as soon as they lay down their weapons and surrender, thus ceasing to be enemies or tools of the enemy, they return to being simply men, and one no longer has a right to their lives. Sometimes one can kill a state without killing a single one of its members, and war grants no right that is not essential to its purpose. These principles are not those of Grotius, nor are they founded on the authority of poets. But they do derive from the nature of things and are based upon reason.

As far as the right of conquest is concerned, that has no foundation other than the law of the strongest. If war does not give the victor the right to massacre the vanquished, this right that he does not have cannot be the basis of his right to enslave them. One has the right to kill an enemy only when one cannot make him a slave. Hence, the right to make someone a slave does not stem from the right to kill him. It is thus an iniquitous exchange to make him purchase his life, to which one has no right, at the price of his liberty. Is it not clear that by establishing the right of life and death on the right of slavery, and the right of slavery on the right of life and death, one falls into a vicious circle?

Even assuming this terrible right to kill everyone, I claim that someone enslaved in war or a conquered people is bound by nothing at all where

their master is concerned, other than to obey him as much as they are forced to do so. By accepting an equivalent for his life, the victor has not done him a favor, for instead of killing him without profit, he has killed him for his own use. And thus, it is far from the case that he has acquired any authority over him that is not linked to force, and the state of war continues between them as before. The very relationship between them is the effect of war, and using the right of war does not presuppose any treaty of peace. They have established a convention. That may well be so. But this convention, far from destroying the state of war, assumes its continuation.

Thus, however one examines the issue, the right of slavery is non-existent, not only because it is illegitimate, but also because it is absurd and signifies nothing. The words *slavery* and *right* are contradictory and mutually exclusive. Whether one man is speaking to another or one man is speaking to a people, the following statement will always be equally absurd: “I am making an agreement with you entirely at your expense and entirely to my advantage, which I will observe as long as it pleases me, and you will observe it as long as it pleases me.”

CHAPTER 5

THAT IT IS ALWAYS NECESSARY TO GO BACK TO A FIRST AGREEMENT

Even if I were to concede everything I have refuted up to this point, the apologists for despotism would not have advanced their cause any further. There will always be a great difference between subduing a multitude and governing a society. If scattered individuals were successively enslaved to one man, no matter how many there might be, I still see nothing there but a master and slaves. I do not see a people and its leader. It is, if you will, an aggregation, but not an association. There is in it no

public good and no body politic. Even if that man had enslaved half the world, he is still merely an individual. His interest, separate from the interest of the others, is always merely a private interest. If this same man happens to die, after he is gone his empire remains scattered and disconnected, as an oak tree, once fire has consumed it, collapses and dissolves into a heap of ashes.

A people, Grotius says, can give itself to a king. According to him, therefore, a people is a people before it gives itself to a king. This gift is itself a civil act. It assumes a public deliberation. Hence, before examining the act by which a people chooses a king, it would be good to examine the act by which a people becomes a people. For since this act is necessarily prior to the former, it is the true foundation of society.

In fact, if there were no previous agreement, unless the election was unanimous, how would there be an obligation for the minority to submit to the choice of the majority? Where would the hundred people who want a master acquire the right to vote on behalf of the ten who do not? The law of majority vote is itself established by convention and presupposes unanimity on at least one occasion.

CHAPTER 6 ON THE SOCIAL COMPACT

I assume that men have reached the stage where the obstacles harmful to their preservation in a state of nature are winning out, because these obstacles resist the forces that each individual can employ in order to maintain himself in this condition. At that point, this primitive state can no longer continue, and the human race would die out if it did not change its way of life.

Now, since men are incapable of creating new forces but only of uniting and directing existing ones, they have no way of preserving themselves other than to form by aggregation a sum of their forces, something that could prevail over that resistance, then to bring these forces to bear by a single motive power and to make them work in concert.

This sum of forces cannot arise except through several people combining together. But since the power and liberty of each man are the principal instruments of his preservation, how will he commit them to others without harming himself and without neglecting the care he owes himself? If we apply this difficulty to my subject, we can define it in these terms:

“To find a form of association that defends and protects with full communal force the person and the possessions of each member and in which each person, by uniting with all, nevertheless obeys only himself and remains as free as before.” Such is the fundamental problem to which the social contract provides the solution.

The clauses of this contract are determined by the nature of the act in such a way that the least modification renders them empty and ineffectual. As a result, even though they perhaps have never been formally stated, they are the same everywhere and are tacitly admitted and recognized everywhere, until the moment when, once the social pact has been violated, each person then returns to his original rights and resumes his natural liberty, losing the conventional freedom for which he renounced it.

These clauses, properly understood, all come down to one, that is, the total alienation of each member of the association, along with all his rights, to the entire community. For, first of all, since each person gives

himself entirely, the condition is equal for all, and since the condition is the same for everyone, no one has an interest in making it burdensome for the others.

Furthermore, because the alienation is made without reservation, the union is as perfect as it can be, and no member of the association has any further demands. For, given that there would be no shared superior who could decide between particular members and the public, if individuals retained certain rights, each one would, on some point, be his own judge and would soon claim to be that in all things. The state of nature would remain, and the association would necessarily become tyrannical or pointless.

Finally, since each person gives himself to everyone, he gives himself to no one, and since there is no member of the association over whom he does not acquire the same right that he grants that person over himself, he gains the equivalent of everything he loses, as well as more power to preserve what he has.

If then we remove from the social pact what is not part of its essence, we will find that it is reduced to the following terms: *Each one of us puts his person and all his power in common under the supreme direction of the general will, and as a body we receive each member as an indivisible part of the whole.*

This act of association immediately replaces the individual personality of each member of the contract with a moral and collective body composed of as many members as there are voices in the assembly. From this same act, the assembly acquires its unity, its common *self*, its life, and its will. The public person produced in this way by the union of all the others in earlier days took the name of *city* and now bears the name of *republic* or

body politic.¹⁰ It is called the *state* by its members when it is passive, the *sovereign* when it is active, and a *power* when it is being compared to others like itself. So far as the members of the association are concerned, they take on collectively the name of *people*, calling themselves, as individuals, *citizens*, since they are participants in the sovereign authority, and *subjects*, since they submit to the laws of the state. These terms, however, are often confused and taken for one another. It is sufficient to know how to distinguish them when they are used with complete precision.

¹⁰[*Rousseau's note*] The true sense of this word has been almost entirely erased among the moderns. Most of them assume that a town is a city and that a bourgeois is a citizen. They do not understand that houses make a town but that citizens make a city. This same mistake cost the Carthaginians dearly in earlier days. I have never read of the title *citizens* being given to the subjects of any prince, not even in ancient times to the Macedonians nor, in our own times, to the English, although they are closer to liberty than anyone else. The French are the only ones who adopt this name of *citizens* with complete familiarity, because they have no true idea of its meaning, as we can see from their dictionaries. If they did, by usurping the word, they would be guilty of the crime of *lèse-majesté*. Among them, this name expresses a virtue and not a right. When Bodin wished to speak of our citizens and townspeople, he made a serious blunder in taking one group for the other. M. d'Alembert did not make this mistake, and in his article Geneva, clearly distinguished the four orders of men (even five, if one includes ordinary foreigners) who live in our town, only two of which comprise the republic. No other French author I know of has understood the true meaning of the word *citizen*.

[*Translator's comment*] Jean Bodin (1530–1596) was a French political writer, professor of law, and a member of parliament. Jean-Baptiste d'Alembert (1717–1783) was a French mathematician, philosopher, and one of the leading intellectuals of the eighteenth century.

CHAPTER 7

ON THE SOVEREIGN

We see in this formulation that the act of association contains a reciprocal commitment between the public and the individual, and that, by making a contract with himself, so to speak, each individual finds himself bound in a double relationship: that is, as a member of the sovereign towards each individual, and, as a member of the state, towards the sovereign. However, we cannot apply here that principle of civil law that no person is bound by commitments made to himself, for there is a significant difference between having an obligation to oneself and having an obligation to a whole of which one is a part.

We must also observe that public deliberations that can impose obligations on all subjects to the sovereign, given the two different relationships under which each citizen-subject is regarded, cannot, for the opposite reason, impose obligations on the sovereign to itself and thus that it is contrary to the nature of the body politic for the sovereign to impose a law on itself that it cannot break. Since the sovereign can view itself in terms of only one single relationship, it is then in the position of a particular individual making a contract with himself. From that we see that there is not and cannot be any sort of fundamental law imposing obligations on the body of the people, not even the social contract. That does not mean that this body cannot properly enter into undertakings with other political bodies concerning matters that do not violate this contract, for as far as foreigners are concerned, the body politic becomes a single entity, an individual.

But since the body politic or the sovereign derives its being only from the sanctity of the contract, it can never commit itself, even towards foreigners, to anything that violates this original act, for instance, by

alienating some part of itself or by submitting itself to another sovereign. To violate the act by which it exists would be to annihilate itself, and what is nothing produces nothing.

As soon as this multitude is thus unified into a body, one cannot offend against one of its members without attacking the body; still less can one harm the body without its members feeling the effects. Thus, obligation and interest require the two contracting parties equally to provide mutual help to one another, and in this double relationship the same people should seek to combine all the advantages that depend on it.

Now, since the sovereign is composed only of individuals who make it up, it does not have and cannot have an interest contrary to theirs. Therefore, the sovereign power has no need to give its subjects a guarantee, because it is impossible that the body would want to harm all its members, and later on we shall see that it cannot harm any particular individual. From the very fact that it exists, the sovereign is always everything it ought to be.

However, it is not the same for the subjects with regard to the sovereign, since, despite their common interest, the sovereign would have no guarantee of their commitments unless it found ways of assuring itself of their loyalty.

In fact, each individual, as a man, can have a particular will at odds with or different from the general will that he has as a citizen. His particular interest can speak to him in an entirely different way from the common interest. His absolute and naturally independent existence can lead him to look on what he owes the common cause as a gratuitous contribution, the loss of which will be less injurious to the others than the payment is onerous to him, and by viewing the moral person who constitutes the

state as a notional being, because he is not a man, he may want to enjoy the rights of a citizen without being willing to fulfill the duties of a subject, an injustice whose progress would lead to the ruin of the body politic.¹¹

Therefore, to ensure that the social pact is not an empty formula, it tacitly includes this commitment, which alone can give force to the others: whoever refuses to obey the general will shall be constrained to do so by the entire body. This simply means that he will be forced to be free. For that is the condition which, by giving each citizen to his native land, protects him from all personal dependency, a condition that makes the artifice and the working of the political machine, and which alone confers legitimacy on civil commitments—which would otherwise be absurd, tyrannical, and subject to the most enormous abuses.

CHAPTER 8

ON THE CIVIL STATE

This transition from the state of nature to the civil state produces in man a very remarkable change, by substituting justice for instinct in his conduct and by giving his actions a moral quality they previously lacked. Only then, when the voice of duty takes over from physical impulses and right takes the place of appetite does a man, who up to that point has considered only himself, see himself compelled to act on other principles and to consult his reason before listening to his inclinations. Although in this state he deprives himself of several of the advantages he derives from

¹¹[*Translator's note*] The point here is that Rousseau's notion of the state requires each citizen to be rationally capable of understanding the social contract. This means that, while he may well have a private interest different from the interest of the general will, he understands why it is right that the interest of the general will prevail. There is a danger, however, that individual citizens might not identify themselves with such a rational person (who is a theoretical model) and would thus avail themselves of the advantages of city life without being willing to carry out their civic duties.

nature, those he gains in return are so great that his faculties are stimulated and developed, his ideas grow more extensive, his sentiments are ennobled, and his whole soul is uplifted, so much so that, if the abuses of this new condition did not often degrade him below the condition he left, he ought never to stop blessing the happy moment that tore him away from it forever, and that changed him from a stupid and limited animal into an intelligent being and a man.

Let us reduce this balance sheet to terms we can easily compare. Through the social contract, man loses his natural liberty and an unlimited right to everything which tempts him and which he is able to reach. What he wins is civil liberty and the ownership of everything he possesses. In order not to be mistaken about these compensations, we must make a clear distinction between natural liberty, which has no limits other than the powers of the individual, and *civil liberty*, which is limited by the general will, and between *possession*, which is merely a result of force or the right of the first occupant, and *property*, which can be founded only on a positive title.

To the preceding we could add to those things a man acquires in the civil state moral liberty, which alone makes him truly master of himself. For following the impulses of mere appetite is slavery, while obeying the law that one has set down for oneself is liberty. But I have already said too much on this topic, and the philosophical meaning of the word *liberty* is not part of my subject here.

CHAPTER 9

ON REAL PROPERTY

Each member of the community gives himself to it at the moment it is formed, just as he presently is, his person and all his powers, a part of

which is the goods he possesses. This does not mean that through this act of changing hands, possession changes its nature and becomes property in the hands of the sovereign. However, since the forces of the city are incomparably greater than those of an individual, public possession is also, in fact, stronger and more irrevocable, without being more legitimate, at least from the point of view of foreigners. For where its members are concerned, the state is master of all their goods thanks to the social contract, which within the state serves as the basis for all rights. However, where other powers are concerned, the state is master only by the right of the first occupant, which it derives from particular individuals.

Although the right of the first occupant is more real than the right of the strongest, it does not become a true right until after the establishment of the right of property. Every man by nature has a right to everything that is necessary to him, but the positive act that makes him the owner of some goods excludes him from all the rest. Once his share is determined, he should limit himself to that; he has no further right with respect to the community. That is why the right of the first occupant—so weak in the state of nature—is respected by everyone in civil society. In this right, a person is respecting not so much what belongs to other people, as what does not belong to him.

Generally speaking, in order to authorize the right of first occupant over any territory, the following conditions must apply: first, this territory must not yet be inhabited by anyone; second, one must occupy only as much land as one requires to subsist; third, one must take possession of the land, not by an empty ceremony, but by toil and cultivation, the only sign of ownership which, when legal titles are not available, should be respected by others.

In fact, by according the right of first occupant to need and labor, are we not extending this right as far as it can go? Is it possible to assign this right without limits? Will it be sufficient to place one's foot on some common land in order to claim immediately that one is its master? Will it be sufficient to have the power to push other men aside for a moment in order to remove from them the right ever to return there? How can a man or a people seize an immense territory and take it away from the entire human race other than by a punishable usurpation, since such an act deprives the rest of humanity of the habitable places and the food that nature gives them in common? When Nuñez Balboa, standing on the seashore, took possession of the South Sea and all of South America in the name of the crown of Castille, was that enough to dispossess all the inhabitants there and to exclude from the region all the princes of the world? If so, it is quite pointless to multiply these ceremonies, and the Catholic king in his private rooms merely has to take possession all at once of the entire universe, provided he later removes from his empire what was possessed first by other princes.¹²

We can conceive how the unified and contiguous lands of particular individuals become public territory and how the right of sovereignty, by extending from the subjects to the land they occupy, becomes at once real and personal. This process makes those who possess the land more heavily dependent and turns even their own forces into guarantees of their fidelity. This advantage does not seem to have been fully perceived by ancient monarchs, who called themselves only kings of the Persians, Scythians, or Macedonians, apparently considering themselves rulers of men rather than masters of countries. Today's rulers are more astute and call themselves kings of France, Spain, England, and so on. By thus holding the land, they are quite confident of holding its inhabitants.

¹²[*Translator's note*] Nunez de Balboa (c. 1475 to 1519), a Spanish explorer, was the first European to lead an expedition to the Pacific (in 1513).

What is significant about this alienation is that, by taking the goods of individuals, the community, far from depriving them, merely assures them of legitimate possession, for it changes usurpation into a genuine right and enjoyment into ownership. Thus, given that the possessors are considered agents of the public good and that their rights are respected by all the members of the state and maintained with all their forces against foreigners, these owners, by a surrender advantageous to the public and even more so to themselves, have, so to speak, acquired everything that they have given up. This paradox is easily explained by the distinction between the rights that the sovereign and the owner have over the same resources, as we will see later.

It can also happen that men begin to unite before they possess anything and then later take over a territory sufficient for all, which they enjoy in common or which they divide up among themselves, either equally or according to proportions determined by the sovereign. However this acquisition is accomplished, the right of each particular individual over his own land is always subordinate to the right of the community over everything, without which there would be no strength in the social bond and no real force in the exercise of the sovereignty.

I will end this chapter and this book with a comment that should serve as the foundation for the entire social system: instead of destroying natural equality, the fundamental pact, by contrast, substitutes for the physical inequalities which nature could have established among men a moral and legitimate equality, and people who could be unequal in power or intelligence all become equal by convention and by right.¹³

¹³[Rousseau's note] Under bad governments this equality is only apparent and illusory. It serves only to keep the poor man destitute and the rich man in the place he has usurped. In fact, laws are always useful to those who have possessions and harmful to those who have nothing. Hence, it follows that the social state

End of Book 1

BOOK 2

CHAPTER 1

THAT THE SOVEREIGNTY IS INALIENABLE

The first and most important consequence of the principles established above is that only the general will can direct the forces of the state according to the end for which it was set up, that is, for the common good. For if the opposition of particular interests made the institution of societies necessary, the agreement among these same interests made it possible. What these different interests have in common creates the social bond, and if there were not some point on which all the interests were in agreement, no society could exist. Now, this common interest is the only basis on which society must be governed.

Therefore, I maintain that, since the sovereignty is nothing but the exercise of the general will, it can never be alienated, and that the sovereign, which is only a collective being, cannot be represented except by itself. The power can be readily transferred, but not the will.

In fact, if it is not impossible for a particular will to agree on some point with the general will, it is at least impossible for this agreement to be durable and constant, for the particular will tends by its nature towards things it prefers, and the general will towards equality. It is even more impossible to have a guarantee of this agreement, even if it should always exist. That would be a result, not of art, but of chance. The sovereign

is advantageous to people only to the extent that they all have something and that none of them has too much.

could well say, “I now will what such and such a man wills or at least what he says he wills,” but it cannot say, “What this man is going to will tomorrow, I shall will as well,” because it is absurd that the will gives itself fetters for the future and because no will is required to consent to anything contrary to the good of the one doing the willing. Thus if a people promises simply to obey, by that act it dissolves itself and loses its quality as a people. The instant there is a master, there is no longer a sovereign, and from that point on the body politic is destroyed.

This is not to say that orders from the leaders cannot pass for expressions of the general will, so long as the sovereign is free to oppose them and does not do so. In such a case, one should assume that universal silence indicates the consent of the people. This point will be explained in greater detail.

CHAPTER 2

THAT THE SOVEREIGNTY IS INDIVISIBLE

For the same reason that the sovereignty is inalienable, it is indivisible. For either the will is general, or it is not.¹⁴ It is the will of the body of the people or of merely a part. In the first case, this will, once declared, is an act of sovereignty and makes law. In the second case, it is only a particular will or an act by a magistrate, at most a decree.

But our political thinkers, unable to divide sovereignty in principle, divide it according to its aims—separating it into force and will, into legislative power and executive power, into rights of taxation, of justice and war, into internal administration and the power to deal with foreigners. Sometimes they mix all these parts together, and sometimes

¹⁴[*Rousseau's note*] In order for a will to be general, it is not always necessary for it to be unanimous, but it is necessary that all the votes be counted. Every formal exclusion breaks the generality.

they separate them. They turn the sovereign into a fantastic entity made up of jumbled pieces. It is as if they were producing a man from several bodies, one of which had eyes, another arms, another feet, and nothing else. People say that Japanese conjurors dismember a child in full view of the spectators, then throw all its limbs into the air, one after the other, and make the child fall down again, alive and completely reassembled. The conjuring tricks of our political thinkers are almost like that: after they have dismembered the social body using an illusion worthy of a fair, they put the pieces back together again—no one knows how.

This error arises because they have not established precise notions about sovereign authority, and because they have taken for parts of this authority things that were merely emanations from it. In this way, for example, they have looked upon the acts of declaring war and of making peace as acts of sovereignty, which they are not, for each of these actions is not a law but simply an application of the law, a particular act that determines how the law applies to a case, as we shall see clearly once the idea attached to the word *law* has been defined.

By exploring the other divisions in the same manner, we would find that every time we think we see the sovereignty split up, we are mistaken, and that the rights that we take for parts of this sovereignty are all subordinate to it and always assume supreme wills whose execution these rights merely authorize.

It would be impossible to state how much obscurity this lack of precision has cast over the decisions of those who have written about issues of political rights, when, by applying the principles they have established, they wished to judge the respective rights of kings and peoples. Everyone can see in Chapters 3 and 4 of the first book of Grotius how this learned man and his translator Barbeyrac get tangled up in and confused by their

sophistries, for fear of saying too much or of not saying enough about something in accord with their ends and of offending the interests they had to accommodate. Grotius, unhappy with his homeland, was a refugee in France and wished to pay court to Louis XIII, to whom his book was dedicated. He spares no effort to rob the people of all their rights and to invest kings with them by every possible artifice. This would have also been much to Barbeyrac's taste; he dedicated his translation to the king of England, George I. Unfortunately, however, the expulsion of James II, which he calls an abdication, forced him to restrain himself, to distort and to dance around the issue, so as not to make William a usurper.¹⁵ If these two writers had adopted genuine principles, all the difficulties would have been removed and they would have always been consistent. But they would have spoken the truth, sadly for them, and paid court only to the people. For truth does not lead to fortune, and the people do not award ambassadorships, or university chairs, or pensions.

CHAPTER 3

WHETHER THE GENERAL WILL CAN BE MISTAKEN

From what has been said above it follows that the general will is always right and always tends towards public utility. However, it does not follow that the deliberations of the people are always equally correct. We always will our own good, but we do not always recognize it. A people is never corrupted, but it is often misled, and it is only then that it appears to will what is bad.

¹⁵[*Translator's note*] James II (1633-1701), the legitimate king of England, was opposed by many powerful forces in the country (for various reasons, especially his Roman Catholic faith). He was forced to leave the country in 1688 in a bloodless coup. He was succeeded by William of Orange and his wife Mary, who in 1689 became the joint sovereigns William III and Mary II.

There is often a significant difference between the will of everyone and the general will. The latter considers only the common interest; the former considers private interest and is merely a sum of particular wills. But remove from these same wills the pluses and minuses which cancel each other out, and what remains as the sum of the differences is the general will.¹⁶

If, when the people are sufficiently informed and deliberate, and the citizens had no communication among themselves, the general will would always result from the large number of small differences, and the deliberation would always be good. But when intrigues are launched, partial associations at the expense of the large one, the will of each of these associations becomes general with respect to its members and particular with respect to the state. At that point one could say that there are no longer as many voters as there are men, but only as many as there are associations. The differences become less numerous and provide a less general result. Finally, when one of these associations is so great that it wins out over all the others, you no longer have a result that is the sum of small differences, but a single difference. Then there is no longer a general will, and the prevailing view is only a particular opinion.

Therefore, in order to have a clear statement of the general will, it is important that there be no partial society within the state and that each citizen express only his own opinion.¹⁷ Such was the unique and sublime

¹⁶[Rousseau's note] *Each interest, states the Marquis d'Argenson, has different principles. The agreement of two particular interests is created by opposition to a third.* He could have added that the agreement of all interests is created by opposition to the interest of each. If there were no different interests, we would hardly perceive the common interest, which would never encounter an obstacle. Everything would proceed on its own, and politics would cease to be an art.

¹⁷[Rousseau's note] *The truth is, says Machiavelli, some divisions harm the republic, and others benefit it. When they are accompanied by sects and partisan groups they are harmful, but those without sects and partisan groups are advantageous. Since the founder of a republic cannot prevent the emergence of enmities within it, he should at least stop them growing into factions. (History of Florence, Book 7).*

system of the great Lycurgus. However, if there are partial societies, it is necessary to multiply their number and prevent them from becoming unequal, as did Solon, Numa, and Servius.¹⁸ These precautions are the only good ones to ensure that the general will is always enlightened and that the people do not make mistakes.

CHAPTER 4

ON THE LIMITS OF THE SOVEREIGN POWER

If the state or the city is simply a moral person whose life consists of the union of its members, and if the most important of its concerns is taking care of its own preservation, it requires a universal and compelling force to move and arrange each part in the manner most advantageous to the whole. As nature gives each man an absolute power over all his limbs, the social pact gives the body politic an absolute power over all its members, and it is this same power that, directed by the general will, bears, as I have said, the name of sovereignty.

But apart from the public person, we have to consider the private persons who comprise it, and whose life and liberty are naturally independent of it. One must thus clearly distinguish between the respective rights of the citizens and of the sovereign, and between the obligations that the former must carry out as subjects and the natural right they should enjoy as men.¹⁹

[Translator's note] Rousseau offers the above quote from Machiavelli in Italian: *Vera cosa è . . . che alcune divisioni nuocono alle Repubbliche, e alcune giovano: quelle nuocono che sono dalle sette e da partigiani accompagnate: quelle giovano che seza sette, senza partigiani si mantengono. Non potendo adunque provvedere un fondatore d'una Repubblica che non siano nimicizie in quella, hà da proveder almeno che non vi siano sette.*

¹⁸[Translator's note] Lycurgus (c. 820 BC–730 BC): a legendary king of Sparta who established that state's constitution; Solon (c. 638 BC–558 BC): an Athenian lawmaker; Numa (753 BC–673 BC): legendary second king of Rome; Servius (578 BC–535 BC): legendary sixth king of Rome.

¹⁹[Rousseau's note] Attentive readers, please do not be in a hurry here to accuse me of contradiction. I was unable to avoid that in my terms, given the poverty of language. But wait.

I concede that in the social pact each man alienates only as much of his power, goods, and liberty as it is important for the community to have at its disposal, but one must also acknowledge that the sovereign is the sole judge of what is important.

All the services that a citizen can render the state, he has an obligation to provide to it as soon as the sovereign asks for them. But the sovereign, for its part, cannot impose on the subjects any fetters that are useless to the community. It cannot even will to do so, for according to the law of reason, nothing takes place without a cause, any more than it does under the law of nature.

The commitments binding us to the social body are obligatory only because they are mutual, and their nature is such that in fulfilling them one cannot work for another without working for oneself, as well. Why is the general will always right, and why does everyone constantly will the wellbeing of each of them, if not because there is no one who does not apply that word *each* to himself and who does not think of himself as he votes for them all? This demonstrates that the equality of right and the concept of justice it produces stem from the preference each person has for himself and thus from the nature of man; that for the general will to be truly general it must be so in its aims as well as in its essence; that it must originate from all in order to be applied to all; and that it loses its natural rectitude when it tends towards some individual and determinate purpose, because then, when we are rendering judgment on something foreign to us, we have no true principle of equity to guide us.

Indeed, as soon as it is a question of a fact or of a particular right in a matter that has not been regulated by a previous general agreement, the issue becomes contentious. It is a case in which the particular interests are

one of the parties and the public the other, but where I do not see either the law which must be followed or the judge who should rule. In such a case, it would be ridiculous to wish to refer the question to an express decision of the general will, which can only be the conclusion of one of the parties and which, for the other party, is therefore merely a particular and alien will, one tending on this occasion to injustice and subject to error. And so, just as a particular will cannot represent the general will, the general will, in its turn, changes its nature when it has a particular object and, since it is general, cannot pronounce either on a man or on a fact. For example, when the people of Athens nominated or demoted its leaders, proclaimed honours for one, imposed penalties on another, and with a multitude of particular decrees carried out indiscriminately all the actions of government, at that time the people no longer had a general will, in the strict sense, for it was no longer acting as a sovereign but as a magistrate. This will appear contrary to commonly held ideas, but I must be given time to set down my own.

From these points one should realize that what makes the will general is not so much the number of votes as the common interest which unites them. For in this institution, each person necessarily submits himself to the conditions which he imposes on the others, an admirable agreement between interest and justice, which gives to the common deliberations an equitable character that disappears in a discussion of any particular issue, given the lack of a common interest which unites and identifies the ruling of the judge with that of the party.

From whatever side we return to this principle, we always reach the same conclusion, namely, that the social pact establishes among the citizens such equality, that they all commit themselves to the same conditions and should all enjoy the same rights. Thus, by the nature of the pact, each act of sovereignty, that is to say, every authentic act of the general will,

imposes obligations on or favours all the citizens equally. Hence, the sovereign recognizes only the body of the nation and makes no distinctions among any of those who compose it. What, then, strictly speaking, is an act of sovereignty? It is not a convention between a superior and an inferior, but a convention between a body and each one of its members. It is a legitimate convention, because it is founded on the social contract, equitable, because it is common to all, useful, because it can have no purpose other than the general good, and firm, because it is guaranteed by public force and the supreme power. As long as the subjects are bound solely to conventions like this, they are not obeying anyone other than their own will. And to ask how far the respective rights of the sovereign and of the citizens extend is to ask how far the latter can commit themselves to themselves, each person to all and all to each.

We see from this that the sovereign power, wholly absolute, wholly sacred, and wholly inviolable as it is, does not and cannot exceed the limits of general conventions, and that every man is fully capable of disposing of what these conventions have left him of his goods and his liberty, so that the sovereign never has the right to impose more on one subject than on another, because then, when the issue becomes particular, the sovereign's power is no longer competent.

Once we have acknowledged these distinctions, it is altogether wrong to claim that in the social contract there is any genuine renunciation on the part of individuals, so much so that their situation, as a result of this contract, is actually preferable to what it was previously and that, rather than an alienation, they have only made an advantageous exchange of an uncertain and precarious way of life for a better and more secure alternative, trading natural independence for liberty, power to harm others for their own security, and their own strength, which others can

overwhelm, for a right that the social union makes invincible. Their very life, which they have dedicated to the state, is constantly protected by it, and when they risk their lives in its defense what are they doing then other than giving back to the state what they have received from it? What are they doing that they would not be doing more frequently and more dangerously in the state of nature, when they would be fighting inevitable battles and putting their lives in peril to defend what serves to preserve them? Everyone must fight when the homeland needs him, that is true. But it is also true that no one ever has to fight for himself. Where our security is concerned, do we not still gain by running some of the risks we would have to run on our own as soon as it was taken away from us?

CHAPTER 5

ON THE RIGHT OF LIFE AND DEATH

Since individuals have no right to take their own lives, one may ask: how can they transfer this same right, which they do not possess, to the sovereign? This question appears difficult to resolve only because it is poorly framed. Each man has the right to risk his own life in order to preserve it. Has anyone ever claimed that a person who throws himself out of a window to escape a fire is guilty of suicide? Has this same criminal charge ever been laid against someone who perishes in a storm at sea, on the ground that when he embarked he was not ignorant of the danger?

The purpose of the social treaty is the preservation of those making the contract. A person who wills an end also wills the means, and these means are inseparable from certain risks, even a few losses. He who wishes to preserve his life at the expense of others should also give his life for them when the need arises. Now, the citizen is no longer the judge

of the peril which the law wishes him to face, and when the prince has said to him, "It is in the state's interest that you die," he should die, for it is only on that condition that he has lived in security up to that point, and his life is no longer merely a bountiful gift of nature but also a conditional gift of the state.

The death penalty imposed on criminals can be viewed more or less in the same way: in order not to be the victim of an assassin, we agree to die if we become one. In this social treaty, far from disposing of his life, a person thinks only of protecting it, and we should not assume that any of those agreeing to the contract is intending at the time to get himself hanged.

Furthermore, every wrongdoer, by attacking social right, becomes, as a result of his crimes, a rebel and a traitor to his homeland. He ceases to be a member of it by violating its laws; he even wages war against it. At that point, the preservation of the state is incompatible with his own. One of the two must perish, and when we put the guilty person to death, he is not so much a citizen as an enemy. The trial and the sentence are the proof and the declaration that he has broken the social treaty and is thus no longer a member of the state. Now, since he has acknowledged that that is what he was, at least by living there, he should be removed from it by exile, as someone who has violated the social pact, or by death, as a public enemy. For an enemy like him is not a moral person. He is a man, and in such a case it is a right of war to kill the vanquished.

But, someone will say, condemning a criminal is a particular act. Granted. But this condemnation is also not a function of the sovereign. It is a right that the sovereign can confer without the power to exercise it on its own. All my ideas cohere, but I cannot set them down all at once.

We should add that frequent harsh punishment is always a sign of weakness or laziness in the government. There is no wrongdoer who could not be made good for something. We have no right to put anyone to death, even as an example, other than a person whom we cannot preserve without danger.

As far as the right to pardon is concerned, or to exempt a guilty person from the punishment imposed by the law and pronounced by the judge, it belongs only to the one who is above the judge and the law, that is to say, to the sovereign, although its right in this matter is not at all clear, and the cases where it is used are extremely rare. In a well-governed state, there are few punishments, not because it issues plenty of pardons, but because there are few criminals. When the state is growing weak, the multitude of crimes is a guarantee of impunity. Under the Roman Republic, neither the Senate nor the consuls ever tried to grant pardons. Even the people did not do so, although it sometimes revoked its own judgments. Frequent pardons declare that soon criminal acts will no longer need them, and everyone sees where that leads. But I feel my heart murmuring and I restrain my pen. Let us leave the discussion of these questions to the just man who has not done wrong and who has never himself had need of a pardon.

CHAPTER 6 ON THE LAW

With the social pact we have provided existence and life to the body politic. It is now a matter of giving it, through legislation, movement and will. For the original act by which this body is formed and united still does not establish any of those things that need to be done to preserve it.

What is good and conforms to order is so by the nature of things, independent of human conventions. All justice comes from God. He alone is its source. But if we knew how to accept justice from such a lofty place, we should need neither government nor laws. Undoubtedly there is a universal justice that emanates from reason alone, but in order for this justice to be admitted among us, it must be reciprocal. If we consider things from a human perspective, because we lack a natural sanction, the laws of justice are ineffectual among men. All they achieve is the good of the wrongdoer and troubles for the just, when the latter observes the laws with everyone, but no one observes them with him. Consequently, we must have conventions and laws to unite rights with duties and to lead justice back to its object. In the state of nature, where everything is common, I do not owe anything to those to whom I have promised nothing, and I recognize as someone else's possession only what is of no use to me. That is not the case in a civil state, where all rights are fixed by law.

But what then, in the final analysis, is a law? As long as we are content to attach nothing to this word but metaphysical ideas, we will continue to argue without agreement, and when we have declared what a law of nature is, we will, for all that, have no better understanding of what a law of the state is.

I have already remarked that there is no general will in a matter concerning a particular object. In effect, this particular object is either within the state or outside it. If it is outside the state, an alien will is not general in relation to it; and if this object is within the state, it is part of the state. In that case, there is created between the whole and its part a relation that produces two separate beings: one of them is the part, and the other is the whole minus this very part. But the whole minus a part is not a whole, and as long as this relationship continues, there is no longer

a whole but two unequal parts. From this it follows that the will of one is no longer general with respect to the other.

But when an entire people delivers a ruling concerning all the people, it is considering only itself, and if at that time a relationship is created, it is between the entire object seen from one point of view and the entire object seen from another point of view, without any division of the whole. In such a case, the matter about which the rule is established is general, as is the will that creates it. This is the act I call a law.

When I say that the object of the laws is always general, I mean that the law considers the subjects as a body and actions in the abstract; it never considers a man as an individual or a particular action. Hence, the law can readily decree that there will be privileges, but it cannot confer these on anyone by name; the law can create several classes of citizens and even designate the qualifications that give people the right to belong to these classes, but it cannot nominate this or that person for admittance to them; it can establish a monarchical government and a hereditary succession, but it cannot choose a king or nominate a royal family. In a word, no function linked to an individual object is part of the legislative power.

With this idea in mind, we see at once that we no longer need to ask whose role it is to make laws, since they are acts of the general will; or whether the prince is above the laws, since he is a member of the state; or whether the law can be unjust, since no one is unjust to himself; or how we are free and subject to laws, since they are merely registers of what we have willed.

We also see that because the law combines the universality of the will with that of the object, what a man, whoever he may be, orders on his own initiative is not a law. Even something the sovereign commands

concerning a particular object is no closer to a law, but is a decree. It is an act, not of the sovereignty, but of the judiciary.

Thus, I call every state ruled by laws, no matter what form its administration may be, a republic. For only then does the public interest govern and the public entity become something real.²⁰ Every legitimate government is republican.²¹ I will explain later what government is.

The laws, strictly speaking, are only the conditions of the civil association. The people who are subject to the laws ought to be their author. Society belongs only to those who have come together to rule on its conditions. But how will they regulate these conditions? Will that be by common agreement, by a sudden inspiration? Does the body politic have an organ for announcing what it wills? Who will give it the foresight it requires to formulate and publicize its acts in advance, or how will it make them known when the need arises? How would a blind multitude, which often does not know what it wants, because it rarely knows what is good for it, carry out all on its own such an enormous and such a difficult enterprise as a system of legislation? By itself, a people always desires what is good, but by itself it does not always see what that is. The general will is always right, but the judgment which guides it is not always enlightened. It must be made to see objects as they are, sometimes as they ought to appear to it, to show it the good road it seeks and to protect it from the seduction of particular wills. It must be given a better sense of places and times, to weigh the attractions of present perceptible advantages against the danger of distant and hidden evils.

²⁰[Translator's note] The phrase *public entity* is here used for the French *chose publique*, a literal translation of the Latin phrase *res publica*, meaning a *republic*.

²¹[Rousseau's note] By this word I do not mean merely an aristocracy or a democracy, but in general every government guided by the general will, which is the law. To be legitimate, the government does not have to be merged with the sovereign, but it has to be the sovereign's minister. In that case, even a monarchy is a republic. This point will be explained in the book that follows.

Individuals see the good they reject; the public wills the good it does not see. They are all equally in need of guides. The former must be compelled to make their wills conform to their reason, and the latter must be taught to recognize what it wills. Then, as a result of this public enlightenment, in the social body there will be a union of the understanding and the will, leading to a precise coordination of the parts, and finally to the greatest strength of the whole. From all this arises the necessity of a lawgiver.

CHAPTER 7 ON THE LAWGIVER

To discover the best rules for society, those suited for nations, it would be necessary to have a superior intelligence who perceived all the passions of men and experienced none of them, one who had no connection to our nature and yet understood it completely, whose happiness would have to be independent of us, and yet who would have to be entirely willing to involve himself with ours. Finally, it would have to be one who, in the progress of time, by managing things carefully for its own distant glory, could work in one age and enjoy itself in another.²² Gods would be needed to give laws to men.

The same reasoning that Caligula used in arguing about the facts, Plato used in his work *The Statesman* about right, in order to define what he was looking for, the civil or royal man. But if it is true that a great prince is a rare being, how rare will a great lawgiver be? The former only has to follow the model that the latter has to propose for him. The lawgiver is the engineer who invents the machine; the prince is merely the worker

²²[Rousseau's note] A people only become famous when its legislation begins to decline. We do not know for how many centuries the institution of Lycurgus made the Spartans happy before the rest of Greece took notice of them.

who sets it up and makes it work. “When societies are born,” Montesquieu states, “it is the leaders of republics who create institutions, and after that it is institutions that make the republic’s leaders.”²³

Anyone who ventures to take on the task of instituting a people must feel that he is, so to speak, in a position to change human nature; to transform each individual, who by himself is a perfect and solitary whole, into part of a greater whole from which this individual in some way receives his life and his being; to alter the man’s constitution in order to reinforce it; to substitute a partial and moral existence for the physical and independent existence we have all received from nature. In a word, he must remove from the man his own powers in order to provide him ones which are foreign to him and which he is incapable of using without the help of others. The more these natural forces die off and are destroyed, the greater and more durable are the ones he acquires, and the more solid and perfect the institution is as well. As a result, if each citizen is nothing and cannot do anything except with all the others, and if the strength acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, we can say that the legislation is at the highest point of perfection it can attain.

The lawgiver is, in every respect, an extraordinary man in the state. If that is what he must be thanks to his genius, he is no less so thanks to the work he does, which is not that of a magistrate or of the sovereign. This office, which constitutes the republic, does not enter into its constitution. It is a particular and superior function with nothing in common with empire over human beings. For if a person who commands men should

²³[Translator’s note] Plato (428-348 BC): a major philosopher of ancient Greece, whose Socratic dialogue *The Statesman* explores, among other things, the knowledge required for political power; Montesquieu (1689-1755): a French political thinker. The words by Montesquieu are not in italics or in quotation marks in Rousseau, although they are an exact quotation. The reference is to his book *Considerations on the Causes of the Grandeur and Decadence of the Romans* (1734).

not command the laws, then the person who commands the laws should not issue orders to men. Otherwise his laws, ministers of his passions, would often serve merely to perpetuate his injustices, and he would never be able to prevent particular opinions from damaging the sanctity of his work.

When Lycurgus gave laws to his homeland, he began by abdicating the kingship. It was the custom of most Greek city-states to entrust the establishment of their laws to foreigners. Modern republics in Italy have often imitated this practice. The republic of Geneva did the same, and found it did well.²⁴ In its finest period Rome witnessed within the state a rebirth of all the crimes of tyranny and saw itself nearing destruction because it had put legislative authority and sovereign power together in the same hands.

However, the *decemvirs* never arrogated to themselves the right to have any law passed on their authority alone. “Nothing of what we propose to you,” they used to say to the people, “can pass into law without your consent. Romans, be yourselves the authors of the laws which ought to create your happiness.”²⁵

Thus the person who draws up the laws does not have or should not have any right to legislate, and a people cannot deprive itself of this incommunicable right, even if it wishes to, because according to the

²⁴[Rousseau’s note] People who think of Calvin merely as a theologian have a poor grasp of the extent of his genius. The drafting of our wise edicts, in which he played a major role, does him as much honour as his Institutes. Whatever revolution time may bring in our religion, so long as love of homeland and of liberty is not extinguished among us, this great man’s memory will never cease to be a blessing.

[Translator’s comment] John Calvin (1509-1564): a French theologian who played a formative role in the development of Protestantism (his *Institutes of the Christian Religion* was published in 1536) and who was a major figure in reforming the church and the political system in Geneva.

²⁵[Translator’s note] The term *decemvirs* refers to a committee of ten magistrates in the Roman Republic charged with drawing up a code of laws.

fundamental pact, it is only the general will that imposes obligations on individuals and because we can never be certain that a particular will conforms with the general will until we have submitted it to the free votes of the people. I have already stated that, but it is worth repeating.

And so in the task of drafting legislation we find simultaneously two apparently incompatible things: an enterprise which is beyond human powers and, to carry it out, an authority which is no authority.

Another difficulty warrants attention. Wise men who wish to use their own language rather than popular speech to communicate with common men would be incapable of making themselves understood. For there are thousands of kinds of ideas that cannot be translated into the language of the people. Views that are too general and objects that are too far away are equally beyond its grasp. Each individual, having no taste for any form of government other than the one that relates to his own particular interest, has difficulty recognizing the advantages he is to derive from the continual privations imposed by good laws. In order for an emerging people to be capable of appreciating the sound principles of politics and to follow the fundamental rules of statecraft, the effect would have to become the cause. The social spirit, which should be the work of the institution, would have to preside over the institution itself, and, before there were the laws, men would have to be what they are to become thanks to those laws. Thus the lawgiver, unable to use force or reason, must have recourse to an authority of a different order, something that can constrain without violence and persuade without convincing.

That is what in every age has forced the fathers of nations to resort to heavenly intervention and to credit the gods with their own wisdom, so that the people, subject to the laws of the state as to the laws of nature,

and acknowledging the same power in the creation of man and of the city, freely obey and dutifully bear the yoke of public happiness.

This sublime reasoning, that ascends beyond the reach of common men, is the one through which the lawgiver puts his decisions into the mouth of the immortals, so that those whom human prudence cannot shake will be drawn in by divine authority.²⁶ But not every man can make the gods speak or be believed when he announces he is their interpreter. The great soul of the lawgiver is the true miracle that must prove his mission. Any man can engrave stone tablets, or purchase an oracle, or pretend to have secret dealings with some divinity, or train a bird to speak in his ear, or find other crude ways of impressing the people. The one who knows nothing but such things will perhaps be able to collect by chance a troop of fools, but he will never found an empire, and his extravagant achievement will soon die with him. Empty ruses create a passing bond; wisdom alone can make it lasting. Judaic law, which still endures, and the law of the child of Ishmael, which has governed half the world for ten centuries, still proclaim today the great men who dictated them, and while proud philosophy or the blind spirit of sectarianism sees in these men nothing but fortunate imposters, the true political thinker admires in what they established that great and powerful genius which presides over enduring institutions.²⁷

²⁶[Rousseau's note] *And in truth, says Machiavelli, there has never been, among any people, an extraordinary codifier of laws who did not have recourse to God, because without that his laws would not have been accepted. For a prudent man is aware of many beneficial things which do not, in themselves, contain clear reasons which make them capable of convincing others.* Discourses on Titus Livy, Book 1, Chapter 11.

[Translator's comment] Niccolo Machiavelli (1469-1527): Italian diplomat, dramatist, and politician. Rousseau quotes the Italian: *E veramente, dit Machiavel, mai non fù alcuno ordinatore di leggi straordinarie in un popolo, che non ricorresse a Dio, perche altrimenti non sarebbero accettate; perche sono molti beni conosciuti da uno prudente, i quali non hanno in se ragioni evidenti da potergli persuadere ad altrui.*

²⁷[Translator's note] The phrase "child of Ishmael" is a reference to Mohammed.

From all of this we should not conclude, with Warburton, that among us politics and religion have a common object, but rather that in the early years of a nation one serves as an instrument for the other.²⁸

CHAPTER 8 ON THE PEOPLE

As the architect, before raising a large edifice, examines and tests the soil, in order to see if it can bear the weight of the structure, so the wise institutor does not begin by drawing up laws good in themselves; instead, he first examines whether the population for whom they are intended is equipped to support them. That was the reason Plato refused to give laws to the Arcadians and to the Cyrenians. He knew that these two peoples were rich and could not tolerate equality. That is also why one sees good laws and bad men in Crete, because Minos had imposed discipline on nothing but a vice-riddled people.

A thousand nations that were incapable of tolerating good laws have enjoyed an earthly brilliance, and even those who could have endured them would have been able to do so for only a very short period of their existence. Peoples, like men, are docile only when they are young.²⁹ As they grow older, they become incorrigible. Once customs have been established and prejudices have taken root, it is a dangerous and futile business to wish to reform them. The people cannot bear even having someone touch their faults in order to get rid of them, like those stupid and cowardly invalids who tremble at the sight of a doctor.

²⁸[*Translator's note*] William Warburton (1698-1779): an English cleric who, among other things, wrote on religious and political subjects.

²⁹[*Translator's note*] In the edition of 1782, this sentence reads: "Most peoples, like men, . . ."

That does not mean that in the life of a state there are not sometimes violent epochs when revolutions, like some illnesses which overturn men's minds and remove their memory of the past, do to the people what certain critical events do to individuals, when a horror of the past takes the place of forgetting, and when the state, set ablaze by civil wars, is, so to speak, reborn from its own ashes and, eluding death's embrace, recaptures the vigour of youth. Sparta was like that at the time of Lycurgus, as was Rome after the Tarquins and, in our own times, Holland and Switzerland after the expulsion of the tyrants.³⁰

But these events are rare. They are exceptions whose cause is always found in the particular constitution of the state concerned. They cannot take place even twice for the same people. For a people can make itself free as long as it is barbarous, but it can no longer do that once its civic mainsprings are exhausted. In such a case, troubles can destroy the state, without revolutions being able to re-establish it, and as soon as its chains are broken, it falls apart and no longer exists. From then on it requires a master and not a liberator. Free peoples, remember this precept: Liberty can be attained, but it can never be recovered.

For nations, as for men, there is a time of maturity which one must await before subjecting people to laws.³¹ But the maturity of a people is not always easy to recognize, and if one anticipates it, the work is ruined. One people can be disciplined while emerging; another is not disciplined after ten centuries. The Russians will never be truly civilized because they were civilized too soon. Peter [the Great] had a genius for imitation,

³⁰[*Translator's note*] The Tarquins were legendary kings of early Rome. According to tradition, they were eventually overthrown, and the Roman Republic was established. The Dutch Republic became independent in 1648, after many years of war against Spanish control. Switzerland's independence from the Holy Roman Empire was recognized in the same year.

³¹[*Translator's note*] In the edition of 1782, this sentence reads: "Youth is not infancy. For nations, as for men, there is a period of youth or, if you will, of maturity. One must wait for this . . ."

but lacked true genius, the kind that creates and makes everything out of nothing.³² Some of the things he did were good, most were out of place. He saw that his people were barbarous. He did not see that they were not ripe for civilization. He wanted to civilize them when the only thing necessary was to toughen them. At first he wanted to create Germans and Englishmen, when he had to begin by creating Russians. By convincing his subjects they were something they were not, he prevented them from ever becoming what they could have been. This is the way a French private tutor trains his pupil to shine brilliantly for a moment in his infancy and then never amount to anything. The Russian Empire will want to conquer Europe and will itself be conquered. The Tartars, its subjects or its neighbors, will become its masters and ours. This revolution seems to me inevitable. All the kings of Europe are working together to hasten it.

CHAPTER 9

[ON THE PEOPLE] (CONTINUED)

As nature has set limits to the stature of a well-developed man, beyond which she creates only giants or dwarfs, so in the same way, where the best constitution of a state is concerned, there are limits to the size it can have, so that it is neither too large to be capable of being well governed, nor too small to be capable of maintaining itself on its own. In every political body there is a *maximum* strength which it cannot exceed and which it often reduces by increasing in size. The more the social bond expands, the more it relaxes, and, in general, a small state is proportionally stronger than a large one.

³²[*Translator's note*] Peter the Great (1672-1725): Tsar of Russia, who presided over the expansion of the Russian Empire and widespread reforms.

A thousand reasons demonstrate this principle. First of all, when long distances are involved, administration becomes more difficult, just as a weight become heavier at the end of a longer lever. It also becomes more onerous as its levels increase, for, to begin with, each town has its own, paid for by the people, each district has its own, also paid for by the people, after that each province, then the large governing bodies—the satrapies, the vice-regal districts—the higher one goes, the more one always has to pay, always at the expense of the unfortunate people. Finally comes the supreme administration, which crushes everyone. So many surcharges constantly wear down the subjects. Far from being better governed by all these different levels, they are ruled worse than if they had over them only a single administration. In the meantime, there are hardly any resources to deal with emergencies, and when they must turn to them, the state is always on the eve of ruin.

That is not all. Not only is the government less energetic and less prompt in enforcing observance of the laws, preventing irritations, correcting abuses, and preventing seditious enterprises that can develop in distant locations, but the populace has less affection for its leaders, whom it never sees, for the homeland, which, in its eyes, is like the world, and for its fellow citizens, most of whom are strangers. The same laws cannot be appropriate for so many different provinces with dissimilar customs, live under very different climates, and cannot tolerate the same form of government. Different laws create nothing but trouble and confusion among peoples living under the same leaders and in constant communication. They intermingle and intermarry, are subjected to other customs, and never know whether their patrimony is truly their own. Talents are buried, virtues ignored, and vices unpunished in this multitude of people unknown to one another whom the seat of the supreme administration gathers together in one place. Overwhelmed with business, the leaders see nothing for themselves, and clerks govern

the state. Finally, those measures which must be adopted to maintain the general authority, which so many distant officials wish to evade or meddle with, absorb all the attention of the public, and there is nothing left for the happiness of the people and scarcely any for its defense in time of need. Thus, a body too large for its constitution collapses and dies, crushed under its own weight.

On the other hand, the state should give itself a certain foundation in order to have solidity, to withstand the tremors it will inevitably experience and the efforts it will be forced to make to maintain itself. For all peoples have a kind of centrifugal force thanks to which they are constantly working against one another and tending to expand at the expense of their neighbors, like the vortices of Descartes.³³ In this way, the weak run the risk of being soon swallowed up, and it is almost impossible for any one of them to preserve itself, except by establishing between it and all the others some form of equilibrium, which makes the pressure on all sides just about equal.

From this we see that there are reasons to expand and reasons to contract, and finding the proportion between the two most advantageous for the preservation of the state is not the least of the political figure's talents. In general, we can say that the arguments for expansion, which is merely external and relative, ought to be subordinate to the arguments for contraction, which are internal and absolute. A healthy and strong constitution is the first thing one must look for, and one should rely more on the vigour born from a good government than on the resources provided by a large territory.

³³[*Translator's note*] Rene Descartes (1596-1650): French philosopher, whose mechanical theory of nature proposed that all matter in space was swirling in vortices.

One might add that we have seen states established in such a way that the need to conquer made its way even into their constitution and that, in order to maintain themselves, they were forced continuously to expand. Perhaps they congratulated themselves a great deal for this fortunate necessity, which nonetheless showed them, along with the limits of their greatness, the inevitable moment of their fall.

CHAPTER 10

[ON THE PEOPLE] (CONTINUED)

One can measure a body politic in two ways, namely, by the extent of its territory and by the size of its population, and between these two measurements there is an appropriate relationship for providing the state its true greatness. People make the state, and the land nourishes the people. The proper relationship, therefore, is one in which the land is sufficient to maintain its inhabitants and there are as many inhabitants as the land can sustain. It is in this proportion that the *maximum* strength of a given number of people is found. For if there is too much land, guarding it is onerous: it is inadequately cultivated, and it produces a surplus. This is the proximate cause of defensive wars. If there is not enough land, the state finds itself relying on its neighbours for its additional needs. And this is the proximate cause of offensive wars. Any population that, given its position, has no alternative other than commerce or war is inherently weak. It depends upon its neighbors, and it depends upon events. It never has anything other than an uncertain and short existence. Either it subjugates and changes the situation, or it is subjugated and becomes nothing. It can preserve its freedom only by being insignificant or great.

It is impossible to provide by calculation a fixed relationship between the extent of territory and the number of people that makes them mutually

appropriate, both because of the differences in the quality of land, the degree of its fertility, the nature of what it produces, and the influence of climate—and because of the differences one notices in the temperaments of the people who inhabit the land, some of whom consume little in a fertile country, others a great deal on a poor soil. One must also take into account the greater or lesser fecundity of women, the things the country can have which are more or less favorable to the population, and the number of people the lawgiver can hope to bring together there through his institutions. As a result, he should not base his judgment on what he sees but on what he foresees, nor should he focus on the actual state of the population as much as on what it should naturally attain. Finally, there are a thousand situations where the particular features of a place demand or allow one to include more territory than seems necessary. Thus, one would extend it a great deal in mountainous country, where nature's productions—that is, woods and pastures—demand less work, where experience shows that women are more fertile than on the plains, and where a large tract of sloping soil provides only a small area of flat land, the only one that can be counted on for vegetation. By contrast, populations can contract by the edge of the sea, even among rocks and almost barren sands, because for them fishing can compensate, in large part, for the lack of land crops and because people need to be closer together to ward off pirates. In addition, it is easier, thanks to colonies, to relieve the land of its surplus inhabitants.

To these conditions for establishing a people, we must add one that cannot make up for any of the others but without which they are all useless, and that is that the people enjoy abundance and peace. For the period when a state is being organized is like the moment when a battalion is moving into formation—at that moment the body is least capable of resisting and most easily destroyed. Resistance is more effective in absolute disorder than during a moment of fermentation,

when each person is concerned about his own position and not about the danger. If war, famine, or sedition occurs during this time of crisis, the state is inevitably overthrown.

This does not mean that many governments have not been established during these storms, but in such cases it is the governments themselves that destroy the state. Usurpers always bring with them or choose these troubled times and take advantage of the public alarm to get destructive laws passed, which the people would never adopt were their minds calm. The choice of timing for establishing laws is one of the most reliable criteria by which one can distinguish the work of a lawgiver from that of a tyrant.

Which people, then, is well-suited for legislation? A population that finds itself already linked by some unity of origin, interest, or convention and has not yet borne the genuine yoke of laws; one that does not have deeply rooted customs or superstitions, that has no fear of being overwhelmed by a sudden invasion, and that, without entering into its neighbors' quarrels, can resist each of them on its own or obtain the assistance of one to fight off another; one in which each member can be known to all, and where there is no need to load a man with a burden greater than one man can bear; one that can get along without other people and that all other people can get along without;³⁴ one that is neither rich nor poor and could survive on its own; and finally, one that unites the consistency of an ancient people with the docility of a new one. What makes the work of legislation difficult is not so much what

³⁴[Rousseau's note] If there were two neighboring peoples and one could not do without the other, the situation would be very difficult for the first and very dangerous for the second. Every wise nation, in a similar case, will make a great effort to rid the other of this dependency very quickly. The Republic of Tlaxcala, enclosed within the Mexican empire, preferred to do without salt rather than to purchase it from the Mexicans or even to accept it as a free gift. The wise people of Tlaxcala saw the trap hidden beneath this generosity. They kept themselves free, and this little state, confined inside that great empire, was finally the instrument of its ruin.

has to be established as what has to be destroyed, and what makes success so rare is the impossibility of finding natural simplicity linked to the needs of society. All these conditions, it is true, are difficult to find in combination; that is why we see few well-constituted states.

In Europe there remains one country capable of having legislation enacted—the island of Corsica. The courage and persistence with which this brave people has been able to recover and defend its liberty would richly deserve some wise man to teach the people how to preserve it. I have a feeling that one day this little island will astound Europe.³⁵

CHAPTER 11

ON THE VARIOUS SYSTEMS OF LEGISLATION

If we look for what precisely makes up the greatest good of all, which ought to be the goal of every system of legislation, we will discover that it comes down to these two principal objects: *liberty* and *equality*. Liberty, because all particular dependency is that much force removed from the body of the state, and equality, because liberty cannot survive without it.

I have already stated what civil liberty is. As far as equality is concerned, by this word we should understand, not that the degrees of power and wealth are to be absolutely the same, but that, with respect to power, it does not rise to the level of any violence and is never exercised except by virtue of rank and the laws, and that, with respect to wealth, no citizen is rich enough to be able to purchase another, and none is so poor that he is forced to sell himself. This assumes, on the part of the great,

³⁵[*Translator's note*] Corsica won its independence and declared itself a republic in 1755.

moderation in goods and authority, and, on the part of the lesser lower groups, moderation in avarice and covetousness.³⁶

This equality, they say, is a speculative chimera that cannot exist in practice. But if abuse is inevitable, does it follow that we must not at least regulate it? It is precisely because the force of circumstance always tends to destroy equality that the power of legislation should always strive to maintain it.

But these general purposes of every good institution should be modified in each country by the relationships which arise, as much from the local situation as from the character of the inhabitants, and it is on the basis of these relationships that one must assign to each people the particular institutional system which is the best, not perhaps in itself, but in the state for which it is destined. For example, is the soil infertile and unproductive or the country too crowded for its inhabitants? Turn to industry and crafts; you will be exchanging their products for the foodstuffs you lack. By contrast, are you living in rich plains and on fertile slopes? Or, on good land, do you lack inhabitants? Put your effort into agriculture, which increases the population, and get rid of the crafts, which would only result in emptying the countryside of people, by grouping together in a few places in the territory the few inhabitants there are.³⁷ Do you live on extensive and accessible coastlines? Cover the sea with ships and cultivate trade and navigation. You will have a brilliant and brief existence. Does the sea on your coasts wash nothing but almost

³⁶[Rousseau's note] Do you wish then to provide consistency to a state? Bring the extremes together as much as possible. Tolerate neither rich people nor beggars. These two conditions, by nature inseparable, are equally fatal to the common good. From one come partisans of tyranny and from the other come the tyrants. It is always between these two that public liberty becomes a market commodity: one purchases it, and the other sells it.

³⁷[Rousseau's note] Any branch of foreign trade, says the Marquis d'Argenson, offers little more than an apparent benefit to the kingdom in general. It can enrich some individuals and even some towns, but the entire nation gains nothing from it, and the population is no better off.

inaccessible rocks? Remain barbarous and feed yourselves on fish: you will live more peacefully, perhaps better, and certainly more happily. Briefly put, other than the principles common to everyone, each people has within itself some cause which organizes it in a particular manner and makes its legislation appropriate only to it. That is why the Hebrew people long ago and, more recently, the Arabs have had religion as their main purpose, while the Athenians had letters and the arts, Carthage and Tyre had trade, Rhodes had shipping, Sparta had war, and Rome had virtue. The author of *The Spirit of the Laws* has pointed out in his numerous examples the artistry the lawgiver uses to direct what he establishes towards each of these aims.³⁸

What makes the constitution of a state truly firm and lasting is to have the conventional rules of behaviour observed in such a way that natural relationships and laws always agree on the same points, and that the latter serve, so to speak, only to strengthen, accompany, and rectify the former. But if the lawgiver is mistaken in his purpose and selects a principle different from the one which arises from the nature of things—if, for example, one tends towards servitude and the other towards freedom, one towards riches, the other towards population growth, one towards peace, the other towards conquest—the laws will imperceptibly weaken, the constitution will deteriorate, and the state will not stop being disturbed until it is destroyed or transformed, and invincible nature has regained her empire.

CHAPTER 12

THE DIVISION OF THE LAWS

³⁸[Translator's note] *The Spirit of the Laws* (*De L'esprit des lois*): a book on political theory written by Baron de Montesquieu, first published in 1748.

In order to organize a whole or to give the best possible form to the commonwealth, one has to think about various relations. First, the action of the entire body working on itself, that is, the relationship of the whole to the whole, or of the sovereign to the state, a relationship that, as we shall see later on, is made up of relations of intermediate terms.

The laws that govern this relationship bear the name political laws and are also called fundamental laws, not without reason, if these laws are wise. For if in each state there is only one good way of organizing it, the people who have found that way should hang onto it. But if the established order is bad, why should we consider fundamental those laws that prevent it from being good? Besides, whatever the case, a people always has the authority to change its laws, even the best ones. For if it feels like inflicting damage on itself, who has the right to prevent it from doing so?

The second relationship is that of the members among themselves or with the entire body, and, with respect to the former, this relationship should be as small as possible and, with respect to the latter, as large as possible, so that each citizen is perfectly independent of all the others and excessively dependent on the city, a condition which is always achieved by the same means, for it is only the power of the state which creates the liberty of its members. It is from this second relationship that civil laws arise.

We can also consider a third kind of relationship between a person and the law, that is, between disobedience and the penalty. This gives rise to the establishment of criminal laws, which are basically less a particular type of law than the sanction for all the others.

Linked to these three kinds of laws is a fourth, the most important of all. It is not carved in marble or brass but in the hearts of the citizens. It forms the true constitution of the state, takes on new powers every day, reinvigorates or supplants other laws when these grow old or die away, maintains in a people the spirit with which it was established, and imperceptibly substitutes the force of habit for that of authority. I am speaking about morality and customs, and above all about opinion, a subject unknown to our political thinkers, but on which the success of all the rest depends, a part with which the great lawgiver concerns himself in secret, while he seems to be limiting himself to particular regulations, which are only the curved section of the arch in which morality and customs, arising more slowly, form in the end the unshakeable keystone.

Among these various classes, the only one relevant to my subject is political laws, which determine the form of the government.

End of Book 2

BOOK 3

Before discussing the various forms of government, let us attempt to define precisely the meaning of this word, which has not yet been explained very well.

CHAPTER 1

ON GOVERNMENT IN GENERAL

I warn the reader that this chapter needs to be read carefully and that I know nothing of the art of being clear to someone who does not wish to be attentive.

Every free action has two causes that combine to produce it: one is moral, that is, the will which determines the act; the other is physical, that is, the power which executes it. When I walk towards an object, the first requirement is that I wish to go there, and the second is that my feet carry me to it. If a paralyzed person wishes to run or if an active person does not wish to, they both will remain where they are. The motive forces in the body politic are the same. In it we make the same distinction between the power and the will. The latter is called the *legislative power* and the former *the executive power*. Nothing is done—or nothing ought to be done—without the collaboration of these two.

We have seen that the legislative power belongs to and can only belong to the people. It is easy to see, by contrast, that, according to principles previously established, the executive power cannot belong to the people in general, as lawmaker or sovereign, because this power consists only of particular acts, which are not the domain of law and consequently of the sovereign, all of whose acts can only be laws.

The public force therefore requires its own agent to unite it and set it to work, according to the directions of the general will. This agent serves as a means of communication between the state and the sovereign and acts in the person of the public in somewhat the same way as the union of the soul and body does in human beings. There you have the reason for government in the state, something people confuse with the sovereign, for which it is merely the minister.

What, then, is the government? It is a body established as an intermediate between the subjects and the sovereign, for the purpose of mutual communication between the two, charged with executing the laws and maintaining liberty, both civil and political.

The members of this body are called magistrates or *kings*, in other words, *governors*, and the entire body bears the name *prince*.³⁹ Thus, those who allege that the act by which a populace submits itself to leaders is not a contract are perfectly right. Such an act is nothing of the kind, but merely a commission, an employed service in which the magistrates, as simple officers of the sovereign, exercise in its name the power which it has given them as its agents and which it can limit, modify, and take back when it wishes, for the alienation of such a right is incompatible with the nature of the social body and contrary to the goal of the association.

Hence, I call *government*, or *supreme administration*, the legitimate exercise of executive power, and *prince* or *magistrate*, the man or the body charged with this administration.

Within the government we find the intermediate forces whose relationships make up that of the whole to the whole or of the sovereign to the state. We can represent the latter relationship as one between the extremes of a continued proportion, whose mean proportional is the government. The government receives from the sovereign the orders it issues to the people. For a state to be in proper equilibrium, it is necessary, all things considered, for there to be an equality between the product or power of the government, taken in itself, and the product or the power of citizens, who are, on the one hand, sovereigns, and, on the other hand, subjects.⁴⁰

Moreover, one cannot alter any of these three terms without immediately breaking up the proportion. If the sovereign wishes to govern, or if the

³⁹[Rousseau's note] For this reason, the College in Venice is called *Most Serene Prince*, even when the Doge is not in attendance.

⁴⁰[Translator's note] A continued proportion is one in which the second term in the first ratio, is the first term in the second: e.g., A is to B as B is to C, or $A/B = B/C$. See the next footnote for further details of Rousseau's mathematical analysis.

magistrate wishes to enact laws, or if the subjects refuse to obey, disorder replaces good order, force and will no longer act in concert, and the state dissolves and thus falls into despotism or anarchy. Finally, given that there is only one mean proportional between each relation, there is only one good government possible in a state. But since a thousand events can change the relationships of a people, different governments can be good not only for different peoples, but also for the same people at different times.

In attempting to provide some idea of the different relationships that can hold between these two extremes, I will take as an example the number of a people, for that relationship is easier to explain.⁴¹

Suppose that the state consists of ten thousand citizens. The sovereign can be considered only collectively, as a body. But each particular person, in his capacity as a subject, is considered individually. Thus, the sovereign is to the subject as ten thousand is to one; that is say, each member of the state has, as his share of the sovereign authority, only one part in ten thousand, although he is entirely subject to it. If the population consists

⁴¹[*Translator's note*] In the following paragraphs Rousseau's mathematical language may sound rather odd and, in places, confusing, but his overall point is clear enough: in a properly ordered state the established relationships among the people as subjects, the sovereign assembly of citizens, and the government will vary depending upon the overall size of the population. In the eighteenth century it was not uncommon for thinkers to subject moral and political issues to mathematical analysis, often in a search for some precise formula which would define the best political arrangement or course of action. Rousseau himself sounds, at times, quite sceptical of what he is doing here and, in fact, concludes his mathematical ruminations by, in effect, dismissing them. To many readers, the analogies contribute little to his argument, other than to emphasize that there is no one specific form of government that will suit every state.

Briefly put, Rousseau's mathematical analysis goes something like this. There are three variables: the total population, as the sovereign (S), the people as individual citizens (C), and the government (G). He proposes that these should exist in a continued proportion, so that $S/G = G/C$. (S and C are the extremes, and G is the mean proportion). The value of C is always 1 (the individual citizen); therefore, the larger S becomes, the larger G (the 'middle term') will have to be in order to maintain the proportion. If we cross-multiply this equation, then $S \times 1 = G^2$ and G (the government) is equal to the square root of S (the sovereign). In other words, the size of the government should be the square root of the total population, a notion which (we find out) Rousseau does not wish to reduce to a specific, easily calculated number, in case that makes him look ridiculous.

of one hundred thousand people, the condition of the subjects does not change, and each one bears equally the full weight of the law, while his vote, reduced to one in one hundred thousand, has ten times less influence in formulating laws. Thus, since the subject always remains a single unit, the ratio of the sovereign to the subject grows proportionally larger as the population of citizens increases. From that it follows that the larger the state grows, the more liberty diminishes.

When I say the ratio grows larger, I mean that it moves away from equality. Thus, the greater the ratio in the geometrical sense, the smaller the ratio in the common understanding of the term. In the former, the ratio, considered according to its quantity, is measured by the quotient, and in the latter, considered according to identity, it is measured by similarity.⁴²

Now, the smaller the relationship between the particular wills and the general will, that is, between moral customs and the laws, the more the repressive force should increase. Hence, the government, in order to be good, should be relatively stronger in proportion to an increase in the population.

On the other hand, since the growth of the state provides agents of public authority more temptations and ways to abuse their power, the greater the force the government ought to have to control the people, the greater the force the sovereign, in its turn, ought to have to control the government. I am not talking here about an absolute force, but of the relative powers of the various parts of the state.

⁴²[*Translator's note*] This awkwardly worded sentence seems to mean that with the ratio of the sovereign to the citizen (S/C), if the population grows, from a mathematic point of view the fraction gets larger: since C is always equal to 1, any increase in S (the quotient) will increase the value of the total ratio. However, from the point of view of the individual citizen, the larger S becomes the smaller his share in the sovereignty, and thus the more his fraction of rule decreases.

It follows from this double relationship that the continued proportion between the sovereign, the prince, and the people is not an arbitrary idea, but a necessary consequence of the nature of the body politic. It also follows that since one of these extremes, namely, the people as subjects, is fixed and represented by unity, every time the double ratio increases or decreases, the simple ratio increases or decreases in a similar manner, and that as a result the middle term is changed. This goes to show that there is no single, unique, and absolute constitution for a government, but that there can be as many governments with different natures as there are states of different sizes.⁴³

If someone wished to ridicule this system and said that in order to find this mean proportional and form the body of the government, then, according to me, all one must do is take the square root of the number of people, I would reply that here I am taking this number only as an example, that the relationships I am talking about are not measured solely by the number of people, but in general by the amount of action, which is a combination of a great many causes, and in addition, that if, in order to express myself more concisely, I momentarily borrow terms from geometry, I am nonetheless not ignorant of the fact that geometric precision has no place in moral quantities.

The government is, on a small scale, what the body politic that includes it is on a large one. It is a moral person, endowed with certain faculties, active like the sovereign, passive like the state, and capable of being

⁴³[*Translator's note*] The phrase "double ratio" is somewhat confusing. It seems to refer to the product of the two simple ratios (S/G and G/C). If we multiply these together and remember that $C = 1$, the product is SG/GC which factors down to S . Thus if the double ratio increases or decreases, S increases or decreases correspondingly. To maintain the equality of the two simple ratios, the middle term (G) will have to change. For all the potentially confusing mathematical language, Rousseau's point is simple enough: changes in the size of the total population should result in a corresponding change in the size of the government ("the middle term").

broken down into other similar relationships, which give rise, as a result, to a new proportion, within which is yet another, according to the arrangement of departments, until one reaches an indivisible middle term, that is to say, a single leader or supreme magistrate, who may be represented in the middle of this progression as the unity between the series of fractions and the series of whole numbers.

Without burdening ourselves with this multiplication of terms, let us be content to look upon the government as a new body in the state, distinct from the people and the sovereign, and intermediate between the two.

There is this essential difference between these two bodies: the state exists by itself, and the government exists only through the sovereign. Hence, the dominant will of the prince is not or should not be anything other than the general will or the law; his force is merely the public force concentrated in himself. As soon as he wishes to derive from himself some absolute and independent act, the links of the whole begin to loosen. If it should come to pass that the prince has a particular will more active than the will of the sovereign, and that he uses the public force in his hands to obey this particular will, so that one has, as it were, two sovereigns, one by right and the other in fact, at that instant the social union would vanish and the body politic would be dissolved.

Yet in order for the body of the government to exist, to have a real life that distinguishes it from the body of the state, and in order for all its members to be able to act in concert and to meet the purpose for which it was established, it must possess a particular *self*, a sensibility common to its members, a force, a unique will which tends to its preservation. This particular existence presupposes assemblies, councils, a power of deliberation and decision-making, rights, titles, and privileges belonging exclusively to the prince that make the position of the magistrate more

honorable as it becomes more onerous. The difficulties stem from the manner of organizing this subordinate whole within the whole, in such a way that the government does not impair the general constitution by reinforcing its own, that it always distinguishes its particular power, intended for its own preservation, from the power of the public, intended for the preservation of the state, and that, simply put, it is always prepared to sacrifice the government to the people and not the people to the government.

Moreover, although the artificial body of the government is the work of another artificial body and has, in a sense, only a borrowed and subordinate life, this does not hinder it from being able to act with more or less vigour or speed, or from enjoying, so to speak, more or less robust health. Finally, without straying directly from the goal for which it was established, it can deviate from it to a greater or lesser extent, depending on the manner in which it was constituted.

From all these variables arise the different relationships that the government must have with the body of the state, in accordance with the accidental and particular relationships through which this state itself is modified. For often the government that is inherently the best will become the most pernicious, if its relationships are not adjusted, according to the defects of the body politic to which it belongs.

CHAPTER 2

ON THE PRINCIPLE THAT DETERMINES THE VARIOUS FORMS OF GOVERNMENT

To set down the general cause of these differences, we must distinguish here between the prince and the government, just as I made a distinction earlier between the state and the sovereign.

The body of magistrates can comprise a larger or smaller number of members. We have said that the ratio of the sovereign to the subjects increases proportionally with an increase in population, and by a clear analogy, we can say the same thing about the government in relation to the magistrates.

Now, since the total power of the government is always the power of the state, it does not vary. From this it follows that the more of this power it uses on its own members, the less power it will have left to deal with the people as a whole.

Therefore, the more numerous the magistrates, the weaker the government. Since this principle is fundamental, let me strive to explain it more clearly.

In the person of the magistrate, we can distinguish three essentially different wills: first, the will belonging to the individual, which tends only to his own particular advantage; second, the communal will of the magistrates, which has a unique relationship to what is advantageous to the prince, something we can call a corporate will, which is general in relation to the government and particular in relation to the state, of which the government is a part; and third, the will of the people or the sovereign will, which is general, both with respect to the state considered

as the whole and with respect to the government considered as part of that whole.

In a perfect order of legislation, the particular or individual will should be absent, the corporate will belonging to the government should be very subordinate, and consequently, the general or sovereign will should always dominate and serve as the only rule for all the others.

According to natural order, however, these different wills become more active as they become more concentrated. Hence, the general will is always the weakest, the corporate will is in second place, and the particular will is the most important of all, so that in the government each member is first himself, then a magistrate, and then a citizen, a ranking directly opposed to the one demanded by the social order.

Once we assume this, if the entire government is in the hands of a single man, then the particular will and the corporate will are perfectly united, and thus the latter has the highest level of intensity possible. Now, since the use of force depends upon the degree of the will, and since the absolute power of the government does not change, it follows that most active government is that of a single person.

In contrast, let us combine the government and the legislative authority, by making the sovereign the prince and all the citizens so many magistrates. In that case, once the corporate will is merged with the general will, the former is not going to be any more active than the latter and will leave the particular will with all its force. Thus, the government, which always has the same absolute power, will be at its *minimum* relative force or activity.

These relationships are incontestable, and still other considerations serve to confirm them. For example, it is clear that each magistrate is more active in his corporate group than each citizen is in his and that, as a result, the particular will has considerably more influence in acts of government than in those of the sovereign. For each magistrate is almost always charged with some function of government; whereas each citizen, considered individually, carries out no function of sovereignty.

Moreover, the more the state expands, the greater its real power grows, although it does not increase in proportion to its size. But if the state remains the same, the magistrates could well increase in number, and yet the government does not thereby acquire any more real force, because its power is that of the state, whose size is always the same. Thus, the relative power or activity of the government diminishes, while its absolute or real power cannot increase.

It is also certain that to the extent that more people are charged with it, the expediting of business becomes slower, and that by overly emphasizing prudence, we pay insufficient attention to fortune, let slip an opportunity, and by deliberation often lose the fruits of deliberation.

I have just established that the government grows proportionally more lax as the number of magistrates increases, and I demonstrated above that the more numerous the people, the more the force of restraint should increase. From that it follows that the ratio of magistrates to government should be the inverse of that of subjects to sovereign; in other words, that the larger the state grows, the more the government should contract, in such a way that the number of leaders decreases in proportion to the increase of the people.

I should add that here I am talking only about the relative power of the government and not about its rectitude. For, by contrast, the greater the

number of magistrates, the more the corporate will of the government approaches the general will; whereas, under a single magistrate this same corporate will, as I have said, is merely a particular will. Thus, we lose on one side what we can gain on the other, and the art of the lawgiver is to know how to fix the point where the power and the will of the government, which are always inversely related, are combined in the relationship most advantageous to the state.

CHAPTER 3

DIVISION OF GOVERNMENTS

We saw in the previous chapter why we distinguish the various types or forms of government by the number of members who compose them. We still have to see in this one how these distinctions are made.

First of all, the sovereign can commit the duties of the government to all the people or to the greater part of them, so that there are more citizen magistrates than ordinary individual citizens. This form of government we call a *democracy*.

Alternatively, the sovereign can restrict the government to the hands of a small number, so that there are more ordinary citizens than magistrates. We call this form of government an *aristocracy*.

Finally, the sovereign can concentrate the entire government in the hands of a single magistrate exclusively, from whom all the others derive their power. This third form, the most common, we call a *monarchy* or royal government.

I should observe that all these forms, or at least the first two, can be adjusted to a greater or lesser extent and even offer considerable latitude. For democracy can include all the people or be restricted to half. Aristocracy, in its turn, can be restricted indeterminately from half the people down to the smallest number. Even monarchy can be divided up. Sparta always had two kings, as its constitution stipulated, and we know that in the Roman Empire there were up to eight emperors at a time, and yet we could not claim that the empire was divided. Thus, there is a point at which each form of government blurs into the next, and one

sees that under these three labels alone, government is, in fact, capable of as many different forms as the state has citizens.

And there is more. Since this same government can, in certain respects, be subdivided into other parts, one administered in one way, another in a different way, the combinations of these three forms can produce a multitude of mixed forms, each of which can be multiplied by all the simple forms.

In every age people have argued a great deal about the best form of government, without taking into account the fact that each of them is the best in certain circumstances and the worst in others.

If in different states, the number of supreme magistrates ought to be inversely proportional to the number of citizens, it follows that, in general, democratic government suits small states, aristocratic government suits medium-sized states, and monarchy suits large states. This rule is derived directly from the above principle. But how does one count the multitude of circumstances that can furnish exceptions?

CHAPTER 4 ON DEMOCRACY

The person who creates the law understands better than anyone how it should be executed and interpreted. Thus, it seems that we could not have a better constitution than one in which the executive and legislative powers are combined. But that is precisely what makes this government inadequate in certain respects, because matters which should be differentiated are not, and, given that the prince and the sovereign are the

same person, they form, so to speak, only a government without government.

It is not good for the person who creates the laws to execute them, or for the body of the people to turn its attention away from a general viewpoint in order to focus on particular things. Nothing is more dangerous than the influence of private interests on public affairs, and the abuse of laws by the government is a lesser evil than the corruption of the legislator, an inevitable consequence of particular views. When that happens, once the state has been changed in its substance, all reform becomes impossible. A people that would never abuse government would also never abuse independence, and a people that always governed well, would have no need of being governed.

If we take the term in its strict sense, a genuine democracy has never existed and never will. It is against natural order that the majority govern and the minority be governed. It is impossible to imagine that the people would remain constantly assembled in order to attend to public business, and it is easy to see that it could not establish commissions to carry out this work without changing the form of the administration.

In fact, I believe I can set down the following principle: when the functions of government are shared among several departments, the ones with the fewest members sooner or later acquire the greatest authority, if only because they will find it easy to carry out their business, a fact which will naturally bring them to this position.

Besides, how many things difficult to combine does such a government presuppose? Firstly, a very small state, where the people may be easily assembled and where each citizen can readily recognize all the others; secondly, a great simplicity of customs, which prevents a great increase in

public business and thorny discussions; thirdly, a large measure of equality in rank and fortune, without which equality of rights and authority cannot last long; and finally, little or no luxury, for luxury either is the effect of wealth or makes wealth necessary. It corrupts rich and poor simultaneously, the former by possession and the latter by covetousness; it sells the country to softness and vanity; it takes away from the state all its citizens, to make them slaves to one another, and all of them slaves to opinion.

That is why a famous author established virtue as the principle in a republic, for none of these conditions could survive without virtue. But because this remarkable genius failed to make the necessary distinctions, he was often imprecise and sometimes unclear and did not see that, since the sovereign authority is the same everywhere, the same principle should be found in every well-constituted state, to a greater or lesser extent, of course, depending on the form of the government.

Let me add that there is no government so prone to civil wars and internal agitation as a democratic or popular one, because there is none with such a strong and continual tendency to change its form or one which demands more vigilance and courage to maintain the way it is. In this constitution, above all, the citizen must arm himself with strength and steadfastness and say every day of his life, in the depths of his heart, what a virtuous Palatine said in the Diet of Poland: *I would rather have a perilous freedom than a peaceful servitude.*⁴⁴

If there were a population made up of gods, it would govern itself as a democracy. Such a perfect government is not suitable for men.

⁴⁴[Rousseau's note] The Palatine of Posen, father of the King of Poland, Duke of Lorraine.

[Translator's comment] Rousseau quotes the Latin: *Malo periculosam libertatem quam quietum servitium.*

CHAPTER 5

ON ARISTOCRACY

We have here two very distinct moral persons, namely, the government and the sovereign, and, as a result two general wills, one relative to all the citizens and the other relative solely to the members of the administration. Thus, although the government can regulate its internal public order as it wishes, it can never speak to the people except in the name of the sovereign, that is to say, in the name of the people itself. That is something one must never forget.

The first societies governed themselves as aristocracies. The heads of families would discuss public business among themselves, and the young people had no difficulty yielding to the authority of experience. From this arose the names of *priests*, *elders*, *senate*, and *gerontes*. The savages of North America still govern themselves in this way today, and they are very well governed.

But as inequality of institution prevailed over natural inequality, wealth or power was preferred to age, and aristocracy became elective.⁴⁵ Finally, once the power and property transferred from the father to his children created patrician families, the government was made hereditary, and twenty-year-old senators appeared.

There are thus three varieties of aristocracy: natural, elective, and hereditary. The first is suitable only for simple people, the third is the worst of all governments, and the second is the best: it is aristocracy in the proper sense of the term.

⁴⁵[Rousseau's note] It is clear that the word *Optimates* among the ancients was not intended to mean the best but the most powerful.

Apart from the advantage of distinguishing between the two powers, aristocracy also has the advantage that its members are chosen. For in a popular government all the citizens are born magistrates, but aristocracy restricts them to a small number, and they become magistrates only by being elected, a method in which integrity, enlightenment, experience, and all the other reasons for public preference and esteem are so many additional guarantees that one will be governed wisely.⁴⁶

Moreover, its assemblies are more conveniently arranged, business is better discussed and carried out in a more orderly and diligent manner, and the state's credit is maintained better among foreigners by venerable senators than by an unknown or despised multitude.

In a word, the best and most natural order is to have the wisest governing the multitude, when one is certain that they govern it for its profit and not for their own. It is not necessary to multiply jurisdictions for no purpose, or to use twenty thousand men to do what one hundred chosen men can do even better. But one must note that the interest of the corporate body begins here to direct public power under less control from the general will, and that another inevitable tendency removes from the laws a part of the executive power.

As far as particular relations that make this arrangement suitable, the state need not be so small or the people so simple and upright, that the execution of the laws immediately follows the public will, as in a good democracy. Nor does the nation need be so large that its leaders,

⁴⁶[Rousseau's note] It is particularly important to have laws regulating the way magistrates are elected, for in leaving that to the will of the prince, one cannot avoid falling into a hereditary aristocracy, as has happened to the republics of *Venice* and *Berne*. Thus, the former has for a long time been in a state of ongoing dissolution, but the latter has maintained itself thanks to the extreme wisdom of its senate. That makes it a very honorable and very dangerous exception.

scattered about in order to govern it, can make sovereign decisions, each in his own department, and start to make themselves independent so that they can, in the end, become the masters.

But if aristocracy requires somewhat fewer virtues than does a government by the people, it also demands others unique to it, such as moderation among the rich and content among the poor, for it seems that a rigorous equality would be out of place there. Such a thing was not observed even in Sparta.

Furthermore, if this form of government includes a certain inequality in wealth, it is good to ensure that in general, the administration of public business is confined to those who are best able to devote all their time to it, but not, as Aristotle maintains, so that the wealthy will always be the ones selected. On the contrary, it is important that from time to time an opposite choice teaches the people that in men's merits there are more important reasons for preference than riches.

CHAPTER 6 ON MONARCHY

So far we have looked at the prince as a moral and collective person, unified by the force of laws, and the agent of executive power in the state. Now we must consider this power consolidated in the hands of a natural person, an actual man, the only one with the right to use it according to the laws. Such a person we call a monarch or a king.

In complete contrast to the other administrations, where a collective entity represents an individual, in a monarchy an individual represents a collective entity, so that the moral unity that constitutes the prince is at the same time a physical unity, in which all the faculties that the law has

so much difficulty combining in the other governments are naturally united.

Thus, the will of the people, the will of the prince, the public power of the state, and the particular power of the government—all of these answer to the same motive force, all the springs of the machine are in the same hand, everything moves towards the same goal, there are no opposing movements working against each other, and one cannot imagine any form of constitution in which a smaller effort produces a more significant action. Archimedes seated calmly on the shore and effortlessly pulling a large floating vessel represents for me a skillful monarch governing his vast estates from his study and making everything move while he appears stationary.

But while there is no government more vigorous, there is none in which the particular will has more control and more easily dominates the others. Everything moves to the same goal, that is true; but this goal is not that of public happiness, and the power of the administration itself constantly works against the interests of the state.

Kings want to be absolute, and from far away the cry goes out to them that the best way to be that is to make themselves loved by their people. This principle is all very well and, in certain respects, even very true. Unfortunately, those at court will always ridicule it. The power that comes from the love of the people is undoubtedly the greatest, but it is precarious and conditional, and princes will never be satisfied with it. The best kings wish to be wicked if they please, without ceasing to be masters. Those who deliver political sermons may well tell them that, since the power of the people is their own, their greatest interest is that the people are flourishing, numerous, and formidable; but kings know very well that this is not true. Their personal interest is, first and

foremost, that the people be weak, unhappy, and incapable of ever resisting them. I admit that if the subjects were always perfectly submissive, the prince's interest would thus be for the people to be powerful, so that, because this power is his own, it would make him formidable to his neighbors. But since this interest is merely secondary and subordinate, and since these two suppositions are incompatible, it is natural that princes always prefer the principle that is most immediately useful to them. This is what Samuel set forth strongly to the Hebrews and what Machiavelli has clearly shown. By pretending to provide lessons for kings, he gave important lessons to the people. Machiavelli's *Prince* is the book of republicans.⁴⁷

By considering general relationships, we found that monarchy is suitable only for large states, and we find the same thing again if we examine it in itself. The more numerous the public administration, the more the ratio of the prince to the subjects diminishes and approaches equality, so that in a democracy it is one-to-one or actual equality. This same ratio increases proportionally as the government decreases in size, and it is at its *maximum* when the government is in the hands of a single person. In that case, there is too great a distance between the prince and the people, and the state lacks cohesion. To form that, one must have intermediate orders: there must be princes, great men, and a nobility to fill them. Yet none of that is suitable for a small state, which is ruined by all these ranks.

⁴⁷[*Translator's note*] The following passage was added to the edition of 1782: "Machiavelli was an honorable man and a good citizen, but he was attached to the House of Medici, and so, when his homeland was oppressed, he was forced to disguise his love of liberty. The choice of his detestable hero in itself demonstrates well enough his secret intention, and the contradiction between the principles in his book *The Prince* and those in his *Discourses on Livy* and in his *History of Florence* shows that this profound political thinker has so far had only superficial or corrupt readers. The court in Rome has strictly prohibited his book. I can well believe it, for that is the court he portrays most clearly."

[*Translator's note*] The "detestable hero" referred to in the quotation is Cesare Borgia, a notoriously corrupt and ultimately unsuccessful politician, whom Machiavelli repeated praises in *The Prince*.

But if it is difficult for a large state to be well governed, it is considerably more difficult for it to be well governed by a single man, and everyone knows what happens when the king assigns deputies.

An essential and inevitable defect, which will always place monarchical government below republican government, is that in the latter the public voice almost never elevates to the most important positions anyone except capable and enlightened men who fill them with honor; whereas in monarchies, those who attain these offices are most commonly merely petty incompetents, petty rascals, petty schemers, whose petty talents get them their important position at court but, as soon as they get there, serve only to display their ineptitude to the public. The people makes far fewer mistakes in this choice than the prince, and a man of genuine merit is almost as rare in the royal ministry as a fool is at the head of a republican government. Hence, when by some happy chance one of those men born to govern takes the helm of public business in a monarchy almost ruined by these crowds of splendid officials, people are totally surprised by the resources he discovers, and he ushers in an epoch in his country's history.

For a monarchical state to be capable of being well-governed, its size or extent would have to be commensurate with the abilities of the one who governs. It is easier to conquer than to rule. With a long enough lever, someone could shake the world with a single finger, but to support it he would need the shoulders of Hercules. No matter how small a state may be, the prince is almost always too small for it. When, by contrast, the state happens to be too small for its leader—which is very rare—it is still badly governed, because the leader, always pursuing his grand visions, forgets the interests of the people and makes them no less miserable by the abuse of his talents, which he has in excess, than a leader limited by the lack of talents he does not possess. A kingdom would have to expand

or contract, so to speak, in each reign, according to the capability of the prince; whereas with a senate, given that the amount of talent is more stable, the state can have permanent limits without the administration running any less well.

The most striking inconvenience of a single-individual government is the lack of the continuous succession that creates in the other two forms of government an uninterrupted bond. Once a king dies, one needs another. Elections leave dangerous intervals and are stormy. Unless the citizens display an impartiality and an integrity rarely accompanying this form of government, cabals and corruption come into play. It is difficult for the person to whom the state has sold itself not to sell it in turn, and compensate himself at the expense of the weak for the money that the powerful have extorted from him. Sooner or later, under an administration like this everything becomes venal, and the peace people enjoy under kings is worse than the disorders of an interregnum.

What has been done to avoid these evils? They have made crowns hereditary in certain families, and have established an order of succession that prevents any dispute on the death of kings. In other words, by substituting the disadvantage of regencies for that of elections, they have chosen an apparent tranquility over a wise administration and, rather than having to argue over the choice of good kings, they have preferred to risk having as leaders children, monsters, and imbeciles. They did not think about how, by thus exposing themselves to the risks of this alternative, they are going against almost all the odds. Dionysius the Younger spoke very sensibly when his father reproached him for a shameful act with the words, “Did I set you an example of this kind?” “Ah,” replied the son, “your father was not a king!”⁴⁸

⁴⁸[Translator's note] Dionysius the Younger, or Dionysius II (c. 397 BC–343 BC): king of Syracuse, famous for his dissolute lifestyle.

Everything combines to remove justice and reason from a man who has been brought up to command others. A great deal of trouble is taken, so people say, to teach young princes the art of ruling. It does not seem that this education does them much good. It would be better to begin by teaching them the art of obeying. The greatest kings whom history has celebrated were not raised to reign. Reigning is a science that we never grasp less well than after we have been taught too much of it, and that is more readily acquired by obeying than by giving orders. *For the most useful and the shortest method of determining what is good and what is bad is to think about what you would have wanted to happen or not to happen if someone else were leader.*⁴⁹

One consequence of this lack of consistency is the unpredictability of royal government which, by organizing itself sometimes on one plan and sometimes on another, depending on the character of the reigning prince or of those people who reign on his behalf, cannot have a fixed goal or consistent conduct for any length of time, a variability that makes the state drift from principle to principle, and from project to project— and that does not happen in governments where the prince is always the same. Thus, we see that, in general, if there is more scheming in a court, there is more wisdom in a senate, and that republics move towards their ends with a way of looking at things which is more consistent and better followed; whereas, every revolution in a royal ministry creates a revolution in the state, since the principle common to all ministers and to almost all kings is to select on every issue the course directly opposite to that of their predecessor.

⁴⁹[Rousseau's note] Tacitus, *Histories*, Book I.

[Translator's comment] Rousseau quotes the Latin: *Nam utilissimus idem ac brevissimus bonarum malarumque rerum delectus, cogitare quid aut nolueris sub alio principe, aut volueris.*

From this same inconsistency we also derive the answer to a sophistical argument very familiar to political writers defending royal government: they not only compare civil government to domestic government and the prince to the father of the family—an error already refuted—but also are generous in providing this magistrate with all the virtues he may need. They always assume that the prince is what he ought to be: with the help of which royal government is obviously preferable to all others, because it is decidedly the strongest and, in order to be the best as well, requires only a corporate will more closely aligned to the general will.

However, if, as Plato observes, a king by nature is such a rare person, how often will nature and fortune work together to give him the crown?⁵⁰ And if the education of a king necessarily corrupts those who receive it, what should one expect from a series of men brought up to reign? Thus, to mistake monarchical government for the government of a good king stems clearly from a desire to deceive oneself. To see what this government essentially is, we must consider what it is under obtuse or wicked princes, for either they come to the throne with these qualities, or the throne makes them so.

These difficulties have not escaped our writers, but they do not find them embarrassing. The cure, they say, is to obey without a murmur. God, in his anger, sends bad kings, and we must bear them as punishments from heaven. Such discussions are, no doubt, edifying, but I would think they are more appropriate in a pulpit than in a book about politics. What does one say about a doctor who promises miracles and whose entire art is to urge the invalid to be patient? We are well aware that when we have a bad government we must endure it. The question should be how to find a good one.

⁵⁰[Rousseau's note] In *The Statesman*.

CHAPTER 7

ON MIXED GOVERNMENTS

Strictly speaking, there is no simple government. A single leader must have subordinate magistrates; a popular government must have a leader. Thus, in the division of executive power, there is always a gradation from a large number to a smaller number, with this difference: sometimes the large number depends on the small number, and sometimes the small number depends on the large one.

Sometimes the division is equal, either when the constituent parts are mutually dependent, as with the government in England, or when the authority of each part is independent but imperfect, as in Poland. This latter form is bad, because there is no unity in the government and the state lacks cohesion.

Which government is better: a simple one or a mixed one? This question has been extensively debated by political writers, and I must give to it the same reply I made earlier about every form of government.

A simple government is inherently the best for one reason alone: it is simple. But when the executive power is not sufficiently dependent upon the legislative power—that is to say, when the prince has a stronger relationship to the sovereign than the people has to the prince—one must remedy this lack of proportion by dividing the government, for then all its parts have just as much authority over the subjects and their division makes them collectively less strong with respect to the sovereign.

One also prevents the same disadvantage by establishing intermediate magistrates, who leave the government entirely as it is and serve only to

balance the two powers and to maintain their respective rights. In that case, the government is not mixed, it is tempered.

By similar measures one can remedy the opposite disadvantage and, when the government is too lax, set up tribunals to concentrate it. This is done in all democracies. In the first case, one divides the government to weaken it and in the second case to strengthen it. For the maximum of force and of weakness are found equally in simple governments; whereas, the mixed forms provide a moderate strength.

CHAPTER 8

THAT ALL FORMS OF GOVERNMENT ARE NOT APPROPRIATE FOR EVERY COUNTRY

Since liberty is not a fruit of all climates, it is not within reach of all peoples. The more one meditates on this principle established by Montesquieu, the more one perceives its truth. The more one challenges it, the more one provides opportunities to confirm it with new proofs.

In all governments of the world, the public person consumes without producing anything. Where, then, do the materials it consumes come from? From the work of its members. The surplus of particular individuals produces what the public needs. Thus, it follows that the civil state can survive only as long as men's work produces more than they need.

Now, this surplus is not the same in all the countries of the world. In several it is considerable, in others modest, in others non-existent, in others negative. The relationship between production and surplus depends upon the fertility of the climate, the kind of work which the land demands, the nature of its products, the strength of its inhabitants,

the greater or lesser amount they need to consume, and a number of other similar factors which make up that relationship.

On the other hand, not all governments have the same nature: they are more or less voracious, and the differences among them are based upon another principle, as follows: the further the public contributions are distant from their source, the more onerous they are. This burden must be measured, not by the amount of the impositions but by the road they must take to get back into the hands from which they came. When this circulation is quick and well-established, whether one pays a little or a great deal does not matter. The people is always rich, and the finances are always sound. By contrast, no matter how little the people gives, when that little does not come back to it, the constant giving soon exhausts the people, the state is never rich, and the population is always impoverished.

From this it follows that the more the distance between the people and government increases, the more burdensome their payments become. Thus, in a democracy the people bear the smallest load; in an aristocracy the load is greater, and in a monarchy it is the heaviest. Hence, a monarchy is suitable only in wealthy nations, aristocracy only in moderately wealthy states of medium size, and democracy only in small and poor states.

In fact, the more we reflect on this matter, the more we find a difference between free and monarchical states on this point: in the former everything is applied to what is useful for the community; in the latter public and individual powers are inversely related, with one increasing through the weakening of the other. Finally, instead of governing the subjects in order to make them happy, despotism makes them miserable in order to govern them.

Thus, in every climate there are natural causes on the basis of which we can designate the form of government to which the influence of that climate leads, and can even state what sort of inhabitants it should have. Infertile and barren places, where the product is not worth the labor, should remain uncultivated and abandoned or peopled only by savages. Places where men's work provides only what is strictly necessary should be inhabited only by barbarous people. All polities there would be impossible. Places where labour produces a modest surplus are suitable for free people, and those where the abundant and fertile soil provides many products for little work demand a monarchical government, so that the prince's luxury consumes the excess superfluities of the subjects. For it is better that this excess be absorbed by the government than dissipated by particular individuals. I realize that there are exceptions, but these exceptions themselves confirm the rule, for sooner or later they bring about revolutions that lead things back to the natural order.

Let us always distinguish general laws from the particular causes that can modify their effects. If all the south were covered with republics and all the north with despotic states, it would be no less true that, thanks to the effects of climate, despotism suits hot countries, barbarism suits cold countries, and good polities suit intermediate regions. I recognize, too, that, if we accept the principle, we can argue about its application. We could say that there are cold countries that are very fertile and southern lands that are very unproductive. But this difficulty is a problem only for those who do not examine every aspect of the issue. As I have already said, one must take into account labor, force, consumption, and so on.

Let us assume there are two lands of equal size. One yields five units of produce and the other ten. If the inhabitants of the first consume four and those of the second nine, the surplus of the first will be one-fifth, and the surplus of the second one-tenth. The ratio of these two surpluses will

therefore be the inverse of the ratio of their products. The land producing only five units will give twice the surplus of the land producing ten.

But the issue here is not that there is twice as much production, and I do not believe that anyone ventures to propose that, as a general rule, the fertility of cold countries is even equal to that of hot countries. All the same, let us assume this equality. Let us, if you will, make England the equal of Sicily, and Poland the equal of Egypt. Further south we have Africa and the Indies and further north nothing at all. To achieve this equality in production, what difference must there be in the work of cultivation? In Sicily, one only has to scrape the earth; in England, how the laborer has to toil! Now, where more hands are needed to produce the same yield, the surplus must necessarily be smaller.

Furthermore, consider the fact that the same number of men consume far less in hot countries, for the climate requires them to practice moderation in order to preserve their health. Europeans who wish to live there as they do among us all perish from dysentery and indigestion. “We are,” Chardin states, “carnivorous animals, wolves, in comparison with those in Asia. Some people attribute the moderation of the Persians to the fact that their country is less cultivated, but, as for me, I believe the reverse—their country is less abundant in commodities because its inhabitants require less. If their frugality,” he continues, “were an effect of a shortage of food in that country, only the poor would eat little; but, in general, it is true of everyone. And people would eat more or less in each province, depending on the fertility of the country; whereas the same restraint is found throughout the kingdom. They are very proud of their way of life, claiming that one only has to look at their complexion to recognize how much it surpasses that of the Christians. In fact, the Persians have an even complexion, with handsome skin, fine and smooth. By contrast, the

Armenians, their subjects, who live like Europeans, have coarse, blotchy complexions, and their bodies are fat and ungainly.”⁵¹

The closer one gets to the equator, the less people live on. They eat hardly any meat. Their basic foods are rice, maize, couscous, millet, and cassava. In the Indies there are millions of people whose nourishment costs less than a halfpenny per day. Even in Europe we see appreciable differences in appetite between the people in the north and those in the south. A Spaniard will live for eight days on what a German eats for dinner. In countries where men have more voracious appetites, luxury also inclines towards things to consume. In England, it manifests itself in a table laden with meats; in Italy, you will be treated to sugar and flowers.

Luxury in clothing offers similar differences. In climates where changes in the season are sudden and violent, people have better and simpler garments. In those where people dress only for show, they look more for what is striking than for what is practical, and there the clothes themselves are a luxury. Every day in Naples, you will see men strolling on the Posillipo in gold-embroidered coats with nothing covering their legs. The same holds true with buildings. When people have nothing to fear from the weather, they focus completely on magnificence. In Paris and London, they want to be housed in warmth and comfort. In Madrid, they have superb salons, but no windows that close, and they sleep in rats' nests.

Foods are much more substantial and succulent in hot countries, a third difference that cannot fail to have an influence on the second. Why do they eat so many vegetables in Italy? Because they are good and

⁵¹[*Translator's note*] Jean Chardin (1643–1713), a French traveller, who wrote about his travel in Persia and the Near East.

nutritious, with an excellent taste. In France, where vegetables are nourished with nothing but water, they are not at all nutritious, and at table are almost irrelevant. Nonetheless, they take up just as much land and cost at least as much effort to cultivate. It is an established fact that the wheat in Barbary, in other respects inferior to those in France, yields much more flour, and that wheat in France, in turn, yields more than wheat from the north. From that we can infer that, generally speaking, there is a similar gradation in the same direction from the equator to the pole. Now, is it not an obvious disadvantage to have equal production but a smaller amount of nourishment?

To all these different considerations I can add one that follows from and fortifies them, namely, that hot countries have less need of inhabitants than cold ones and could nourish more of them. This produces a double surplus that always favours despotism. The greater the area occupied by the same number of inhabitants, the harder it becomes to rebel, because people cannot concentrate themselves either quickly or secretly and it is always easy for the government to expose plots and sever communications. But the more a numerous people gather together, the less the government can usurp the role of the sovereign. The people's leaders deliberate in their rooms just as securely as the prince in his council, and the crowd gathers as quickly in the public squares as the troops in their quarters. Thus, the advantage for a tyrannical government in this situation is that it can act over great distances. With the help of the bases it establishes, its power, like that of a lever, increases with distance.⁵² The power of the people, by contrast, is effective only when it is

⁵²[Rousseau's note] This does not contradict what I said above in Book 2, Chapter 9 about the disadvantages of large states. For there the issue was the authority of the government over its members, and here the issue is its power against the subjects. The government's scattered members serve as pressure points for acting on the people from a distance, but it has no pressure point for acting directly on its members themselves. Thus, in one of these cases, the length of the lever is a source of its weakness, and in the other a source of its strength.

concentrated. By extending itself, it evaporates and is lost, like the effect of gunpowder scattered on the earth, which catches fire only grain by grain. Hence, the least populated peopled countries are those most suited for tyranny. Ferocious beasts reign only in deserts.

CHAPTER 9

ON THE SIGNS OF A GOOD GOVERNMENT

When one thus asks what is unequivocally the best government, one is posing an unanswerable and indeterminate question, or, if you wish, a question with as many good answers as there are possible combinations in the absolute and relative positions of peoples.

But if one were to ask what sign enables us to recognize that a given people is well or badly governed, that would be a different matter, and the question of fact could be answered.

Yet the question is not resolved, because everyone wants to answer it in his own way. Subjects praise public tranquility; citizens praise individual liberty. The former prefer security of possessions, the latter security of the person; one maintains that the best government is the most severe, the other that it is the mildest; one wants crimes punished, the other wants them prevented; one finds it good to be feared by one's neighbors, the other prefers to be ignored by them; one is happy when money circulates, the other demands that the people have bread. Even if there were agreement on these and other similar points, would we even know? Since moral qualities do not admit of precise measurement, even if there were a consensus on the sign, how could there be about the evaluation?

As for myself, I am always amazed that people fail to recognize such a simple sign or have the bad faith not to agree about it. What is the purpose of a political association? The preservation and the prosperity of its members. And what is the most certain sign that they are being preserved and are prospering? Their numbers and the population. So do not go looking elsewhere for this much disputed sign. Everything else being equal, the government under which the citizens are populous and

multiply the most—without external methods, without naturalization, and without colonies—is infallibly the best. A government under which the people diminishes and wastes away is the worst. Calculators, it is now up to you. Count, measure, and compare.⁵³

CHAPTER 10

ON THE ABUSE OF GOVERNMENT AND ITS TENDENCY TO DEGENERATE

As the particular will is continuously working against the general will, so the government is constantly asserting itself against the sovereignty. The more this effort increases, the more the constitution changes for the worse, and since there is here no other corporate will resisting the will of the prince and establishing an equilibrium with it, sooner or later, the time must come when the prince finally oppresses the sovereign and breaks the social treaty. That is the inherent and inevitable vice which,

⁵³[Rousseau's note] We should use the same principle to judge those ages which deserve pride of place for the prosperity of the human race. We have admired excessively those periods where arts and letters are seen to have flourished, without penetrating the secret object of their culture or without considering its fatal effects. *What was part of slavery, ignorant people called humanity.* Will we never see in the maxims of books the crude interest which prompts the authors to speak out? No, for no matter what they can say, when a country, despite its brilliance, has a declining population, it is not true that all is going well, and the fact that a poet has an income of one hundred thousand livres is not enough to make his age the finest of all. We need to examine, not so much the apparent calm and the tranquility of the leaders, but the wellbeing of entire nations, and above all of the most highly populated states. A hailstorm desolates a few cantons, but it rarely leads to famine. Riots and civil wars make leaders very afraid, but they do not cause genuine disasters for the people, who can even get some relief during a dispute over who will be their tyrants. Their real prosperity or calamity arises from their permanent condition. When everything remains crushed under the yoke, that is when everything declines; that is when their leaders destroy them at will: *Where they make a desert, they call it peace.* When the bickering among our great men disturbed the kingdom of France and the coadjutor of Paris carried a knife in his pocket into the Parliament, that did not prevent the French people from living happily in populous abundance, in an honest and free ease. In an earlier age, Greece flourished in the midst of the most cruel wars: there were rivers of blood, and yet the entire country was covered with men. It would seem, says Machiavelli, that in the midst of murders, proscriptions, and civil wars, our republic became stronger. The virtue of its citizens, their morality, and their independence did more to strengthen it than all the quarrels did to weaken it. A little agitation gives souls their motive springs, and what truly makes the species prosper is not so much peace as liberty.

[Translator's comment] Rousseau quotes the Latin: *Idque apud imperitos humanitas vocabatur, cum pars servitutis essent; and ubi solitudinem faciunt, pacem appellant.*

since the birth of the body politic, tends relentlessly to destroy it, just as old age and death eventually destroy the human body.

There are two general ways in which a government degenerates, that is, when it contracts or when the state is dissolved.

Government contracts when it passes from a large number to a small one, that is to say, from democracy to aristocracy and from aristocracy to monarchy. That is its natural tendency.⁵⁴ If it were to go in the other

⁵⁴[Rousseau's note] The slow formation and the progress of the Republic of Venice in its lagoons offers a notable example of this succession, and it is truly astonishing that over a period of more than twelve hundred years the Venetians seem to be still only at the second stage, which began with the Serrar di Consiglio in 1198. As far as concerns the ancient dukes, for whom the Venetians are criticized, it has been established, no matter what the *Scrutiny of Venetian Liberty* [*Squitino della libertà Veneta*] may say about them, that they were not their sovereigns.

People will not fail to raise the Roman Republic as an objection to what I say. They will claim that it followed a completely opposite development, passing from monarchy to aristocracy and from aristocracy to democracy. I am a long way from thinking of it this way.

What Romulus first established was a mixed government, which quickly degenerated into despotism. For particular reasons the state died before its time, the way one sees a newborn die before reaching adulthood. The expulsion of the Tarquins was the true age of the birth of the Republic. But at first it did not take on a constant form, because, by not abolishing the patriciate, it carried out only half its work. For in this way, a hereditary aristocracy, which is the worst of legitimate administrations, remained in conflict with democracy, and so the form of the government, always uncertain and fluid, was not fixed until the establishment of the tribunes, as Machiavelli has demonstrated. Only then was there a true government and a genuine democracy. At that time, the people were, in fact, not merely sovereign but also magistrate and judge. The senate was only a subordinate tribunal to moderate or concentrate the government. The consuls themselves, although patricians, chief magistrates, and absolute generals in war, were in Rome merely presidents of the people.

From that point on, the government, too, followed its natural tendency and inclined strongly to aristocracy. Once the patriciate, as it were, abolished itself on its own, the aristocracy was no longer confined to the body of patricians, as it is in Venice and Genoa, but was in the body of the senate made up of patricians and plebeians, even in the body of tribunes when they began to usurp active power. For words have no effect on things, and when the people has leaders who govern on its behalf, no matter what name these leaders bear, it is always an aristocracy.

The abuses of the aristocracy gave rise to the civil wars and the triumvirate. Sulla, Julius Caesar, and Augustus became, in fact, veritable monarchs, and finally, under the despotism of Tiberius, the state was dissolved. The history of Rome, therefore, does not contradict my principle but confirms it.

direction, from a small number to a large one, we could say it was growing slack, but this reverse development is impossible.

In fact, the government never changes its form except when its spring is exhausted and leaves it too weak to be capable of retaining what it has. Now, if a government were to grow slack while it is still expanding, its power would become completely ineffectual and it would have even less chance of surviving. Hence, as the government gives way, it is necessary to wind up and tighten its spring. Otherwise, the state that it supports would collapse in ruins.

The situation where the state dissolves can come about in two ways.

First, it can dissolve when the prince no longer administers the state according to the laws and usurps sovereign power. At that point a remarkable change occurs: there is a contraction, not of the government, but of the state. What I mean is that the large state is dissolved and within it another is formed, which is composed solely of members of the government and which for the rest of the people is no longer anything but its master and tyrant. As a result, the instant the government usurps the sovereignty, the social pact is broken, and all the common citizens return by right to their natural liberty and are forced, but not obliged, to obey.

[Translator's comment] The *Serrar di Consiglio* (*Closing of the Council*) refers to the decision to limit membership on the ruling council in Venice to a small group, an action which, in effect, created a hereditary aristocracy. This took place later than Rousseau indicates (in 1297 rather than 1198). *Squitino della libertà Veneta*, published in 1612, attacked the traditional notion of Venetian liberty and argued that Venice had been subject to German emperors. The Tribunes were elected Roman officials representing the people. The office was established in 494 BC, in response to a political crisis. The First Triumvirate was a private power-sharing agreement among Pompey (106-48 BC), Julius Caesar (100-44 BC), and Marcus Licinius (115-53 BC). Sulla (c. 138-78 BC) established himself as a dictator at Rome. Augustus (63 BC-AD 14) emerged as the winner in the civil wars and became Rome's first emperor; Tiberius (42 BC-AD 37) was his successor.

The same situation also arises when the members of the government separately usurp the power that they ought to exercise only as a body. That is no less an infraction of the laws and produces an even greater disorder. In that case, one has, so to speak, as many princes as magistrates, and the state, no less divided than the government, dies or changes its form.

When the state is dissolved, the abuse of government, whatever it may be, takes on the common name of *anarchy*. By way of making distinctions, democracy degenerates into *ochlocracy*, and aristocracy into *oligarchy*. I would add that monarchy degenerates into *tyranny*, but this last word is ambiguous and demands an explanation.

In the ordinary meaning of the term a tyrant is a king who governs with violence and without regard for justice and the laws. In the precise sense, a tyrant is an individual who arrogates to himself royal authority without having a right to it. This is how the Greeks understood this word tyrant: they gave it indifferently to good and bad princes whose authority was illegitimate.⁵⁵ Thus, *tyrant* and *usurper* are two perfectly synonymous words.

⁵⁵[Rousseau's note] *For all those are considered and called tyrants who wield perpetual power in a state which is accustomed to liberty.* Cornelius Nepos in *Life of Miltiades*. It is true that Aristotle in the *Nicomachean Ethics*, Book 8, Chapter 10, makes a distinction between a tyrant and a king, in that the former governs to benefit himself and the latter only to benefit his subjects. But apart from the fact that generally all the Greek writers took the word tyrant in another sense, as is most apparent in the *Hieron* of Xenophon, it would follow from Aristotle's distinction that since the beginning of the world there has not yet been a single king.

[Translator's comment] Rousseau quotes Nepos in Latin: *Omnes enim et habentur et dicuntur tyranni, qui potestate utuntur perpetua in ea civitate quae libertate usa est.* Nepos was a Roman historian (c. 110 BC–c. 25 BC). Xenophon (c. 430 BC–354 BC) was a Greek writer who wrote a dialogue featuring Hiero, a tyrant of Syracuse.

In order to give different names to different things, I call someone who usurps royal authority a *tyrant* and someone who usurps the power of the sovereign a *despot*. A tyrant is a man who interferes illegally in order to govern according to the laws; a despot is a man who sets himself above the laws themselves. Thus, a tyrant cannot be a despot, but a despot is always a tyrant.

CHAPTER 11

ON THE DEATH OF THE BODY POLITIC

Such is the natural and inevitable tendency of the best constituted governments. If Sparta and Rome perished, what state can hope to last forever? If we wish to form an enduring institution, then let us not dream of making it eternal. In order to succeed we do not have to attempt the impossible or flatter ourselves that we are giving the work of men a stability which human things do not permit.

The body politic, as well as the human body, begins to die from the moment of its birth and carries in itself the causes of its destruction. But both of them can have a more or less robust constitution, one appropriate to preserving them for a longer or shorter time. The human constitution is a work of nature; the constitution of the state is a work of art. Men are not in a position to prolong their lives, but they are in a position to prolong the life of the state as long as possible, by giving it the best possible constitution. The best-constituted one will come to an end, but later than another, unless some unanticipated accident leads to its downfall before its time.

The principle of political life is in the sovereign authority. The legislative power is the heart of the state, and the executive power is the brain, which gives movement to all the parts. The brain can collapse into

paralysis and the individual still be live. A man remains an imbecile and lives. But as soon as the heart ceases to function, the animal is dead.

A state does not survive through its laws, but through its legislative power. The law of yesterday is not binding today, but silence is assumed to indicate tacit consent, and it is presumed that the sovereign constantly confirms laws it does not repeal, when it has the power to do so. Everything it has at some point declared as its will is always its will, unless it revokes it.

Why, then, do we pay so much respect to ancient laws? For this very reason: we have to believe that nothing except the excellence of these ancient acts of will could have preserved them for so long and that if the sovereign had not constantly recognized them as beneficial, it would have revoked them a thousand times. That is why in every well-constituted state the laws, far from growing weak, continuously acquire new strength: every day the prejudice towards antiquity makes them more venerable; whereas, wherever the laws grow weak as they get older, we have proof that there is no longer a legislative power and that the state is no longer alive.

CHAPTER 12

HOW THE SOVEREIGN AUTHORITY IS MAINTAINED

Since the sovereign has no force other than the legislative power, it acts only through laws, and since laws are only authentic acts of the general will, the sovereign cannot act except when the people is assembled. Someone will say: an assembly of the people! What a chimera! It is a chimera nowadays, but it was not two thousand years ago. Have men changed their nature?

The boundaries of what is possible in moral matters are less narrow than we think. What limits them is our weaknesses, our vices, and our prejudices. Base souls do not believe in great men. Vile slaves smile with a mocking air at the word liberty.

Let us consider what can be done on the basis of what has been done. I will not speak about the ancient republics of Greece, but the Roman Republic was, it seems to me, a great state, and the city of Rome was a great city. The last census in Rome showed that it had four hundred thousand citizens bearing arms, and the last population count of the empire showed more than four million citizens, not including subject peoples, foreigners, women, children, and slaves.

What difficulties might we not imagine in assembling frequently the immense people of this capital and its surroundings? Nonetheless, few weeks went by without the Roman people gathering in an assembly, even on several occasions. It exercised not only the rights of sovereignty, but some of the rights of the government. It dealt with certain business matters and judged certain cases. This entire people was in the public square as magistrates almost as often as they were as citizens.

If we returned to the earliest years of nations, we would find that most of the ancient governments, even the monarchies, like those of the Macedonians and the Franks, had similar councils. Whatever the case, this one fact is incontestable and answers all difficulties: arguing from the existing to the possible seems like good reasoning to me.

CHAPTER 13

[HOW THE SOVEREIGN AUTHORITY IS MAINTAINED] (CONTINUED)

It is not sufficient for the people to have assembled once and set the constitution of the state by giving its sanction to a body of law. Nor is it sufficient that it have established a government for all time or once and for all organized the election of magistrates. Apart from extraordinary assemblies that unforeseen circumstances can require, there must be fixed and periodic assemblies that nothing can abolish or prorogue, so that on a designated day the people may be legitimately called together by law, without the need for any other formal convocation.

But apart from these assemblies lawfully established by their date alone, every assembly of the people which has not been convened by the magistrates appointed for this action and in accordance with the prescribed procedures should be considered illegitimate and all its actions there null and void, because even the order to assemble should emanate from the law.

As for recalling legitimate assemblies more or less frequently, this depends upon so many considerations that one cannot provide specific rules about the matter. The only thing one can state is that, in general, the more power the government has, the more frequently the sovereign should show itself.

That may be all very well, someone will say, for a single town; but what do we do when the state consists of several? Shall we divide the sovereign authority, or else should we concentrate it in a single town and make all the others subject to its authority?

My answer is that we must do neither one nor the other. First of all, the sovereign authority is simple and singular. It cannot be divided without being destroyed. Second, one town cannot legitimately be made subject to another town, any more than one nation to another nation, because the essence of the body politic is in the agreement between obedience and liberty, and because these words *subject* and *sovereign* are identical correlatives, whose idea is united in the single word *citizen*.

Furthermore, I reply that it is always an evil to combine several towns into a single city and that if we wish to create such a union, we should not flatter ourselves that we can avoid its natural disadvantages. In objecting to someone who wants only small states, one should not point to the abuses of large ones. But how does one give small states enough strength to resist large ones, the way the Greek cities in the past stood firm against the Great King and, more recently, Holland and Switzerland resisted the House of Austria?⁵⁶

Nonetheless, if the state cannot be reduced to suitable limits, there is still one option; that is, not to allow any capital, and to have the seat of government alternate from town to town, assembling in each of them in turn the provincial estates of the country.

Populate the territory evenly, extend everywhere in it the same rights, bring prosperity and life to every place there. In this way the state will become at once as strong and well governed as possible. Remember that town walls are built only from the rubble of houses in the countryside. With every palace I see going up in the capital, I imagine I see an entire region reduced to tumbledown shacks.

⁵⁶[*Translator's note*] The Great King was a common title for the king of Persia. Alliances of Greek cities twice defeated Persian invasions (in 490 BC and 480 BC).

CHAPTER 14

[HOW THE SOVEREIGN AUTHORITY IS MAINTAINED] (CONTINUED)

The moment the people is legitimately assembled in the sovereign body, all jurisdiction of the government ceases, the executive power is suspended, and the person of the lowest citizen is as sacred and inviolable as that of the first magistrate, for where we find the person represented, there is no longer a representative. Most of the commotions that arose at Rome in the *comitia* occurred because people were ignorant of or negligent about this rule. At that time, the consuls were only presidents of the people, the tribunes no more than ordinary speakers, and the senate nothing at all.⁵⁷

These intervals of suspended government, when the prince recognizes or ought to recognize a real superior, have always been alarming for the prince, and these assemblies of the people, which are the shield of the body politic and the curb on the government, have, in every age, been horrifying to leaders, who therefore never spare any efforts, objections, difficulties, or promises to discourage the citizens from having them. When the citizens are greedy, timid, and pusillanimous, more in love with ease than with liberty, they do not hold out for long against the redoubled efforts of the government. In this way, the government's power of resistance constantly increases, the sovereign authority vanishes in the end, and most cities collapse and perish before their time.

⁵⁷[Rousseau's note] In the general sense of the word in the English parliament. The similarity of these offices would have led to conflict between the consuls and the tribunes, even if all jurisdictions had been suspended.

[Translator's comment] In Rome the *comitia* were popular assemblies. Rousseau discusses them in detail in Book 4. The tribunes were leaders of the people (rather than the upper classes).

But between the sovereign authority and arbitrary government, an intermediate power is sometimes introduced, about which we must speak.

CHAPTER 15 ON DEPUTIES OR REPRESENTATIVES

As soon as public service ceases to be the principal business of the citizens and they prefer to serve with their purse than with their persons, the state is already close to ruin. Is it necessary to go into combat? They pay soldiers and remain at home. Is it necessary to go to the council? They nominate deputies and remain at home. Thanks to idleness and money, they end up having soldiers to enslave the homeland and representatives to sell it.

Hassles about business and the arts, the avid interest in profit, and the softness and love of commodities change personal services into money. People give up a part of their profit in order to increase it at their leisure. Give money, and soon you will have chains. This word *finance* is a slave's word. It is unknown in a city. In a genuinely free state, the citizens do everything with their own hands and nothing with money. Far from paying to be excused from their duties, they would pay to fulfill them on their own. I am a long way from conventional ideas: I believe compulsory labour is less opposed to liberty than taxes.

The better the state is constituted, the more public affairs predominate over private matters in the minds of the citizens. There is even considerably less private business, because the sum total of communal happiness provides a larger share of the happiness of each individual, so that there remains less for him to seek out in his particular concerns. In a well administered city, each person flies to the assemblies; under a bad

government no one wants to take a single step to get there, because no one has any interest in what goes on in them, because people foresee that the general will shall not prevail, and finally because domestic concerns absorb all of their attention. Good laws lead to making better ones; bad laws lead to worse ones. As soon as anyone says of state business, “What does that matter to me?” one should look upon the state as lost.

The cooling of love for the homeland, the activity of private interests, the immense size of states, the conquests, and the abuses of government made people imagine the idea of having deputies or representatives of the people in the national assemblies. This group is what in certain countries people have presumed to call the Third Estate. In this way, the particular interest of two orders is ranked first and second, while the interest of the public is only third.

Sovereignty cannot be represented, for the same reason that it cannot be alienated: it consists essentially in the general will, and the will is not represented. It is what it is, or it is something else; there is no middle ground. Hence deputies of the people are not and cannot be its representatives. They are merely its stewards and cannot conclude anything definitively. Every law that the people have not personally ratified is null and void: it is not a law. The English people think themselves free; they are seriously mistaken. They are free only during the election of the members of parliament. As soon as these are elected, the people are enslaved and are nothing. The use they make of the brief moments of their liberty shows that they certainly deserve to lose it.

The concept of representation is modern. It comes to us from feudal government, from that iniquitous and absurd government in which the human species is degraded and the name of man dishonored. In the ancient republics and even in monarchies, the people never had

representatives. The word itself was unknown. It is very remarkable that in Rome, where the tribunes were so sacrosanct, no one even imagined that they could usurp the functions of the people, and that in the midst of such a large multitude, they never attempted to pass a single plebiscite on their own authority. However, we can get some idea of how such a crowd of people sometimes created difficulties by what happened at the time of the Gracchi, when one group of citizens delivered its vote from the rooftops.⁵⁸

Where right and liberty are everything, inconveniences are nothing. Among this wise people, everything was carried out in an appropriately just manner. Lictors were allowed to do what the tribunes would not have dared to do, for the people did not fear its lictors would want to represent it.⁵⁹

However, in order to explain how the tribunes did represent the people sometimes, it is enough to conceive how the government represents the sovereign. Since the law is only a declaration of the general will, it is clear that in the legislative power the people cannot be represented; but it can and must be represented in the executive power, which is merely force applied to the law. This makes it clear that, if we examined matters thoroughly, we would find that very few nations have laws. Whatever the case, it is clear that the tribunes, having no share of executive power, could never represent the Roman people through the rights of their office, but only by usurping those of the senate.

Among the Greeks, everything the people had to do, it did by itself. It was constantly assembled in the public square. The people lived in a mild

⁵⁸[Translator's note] The Gracchi were two brothers in the second century BC who led efforts for land reforms to benefit the people. They were both assassinated.

⁵⁹[Translator's note] Lictors were Roman citizens selected to protect the more important public officials.

climate; it was not greedy; slaves carried out the work; its important business was its liberty. No longer having the same advantages, how do you preserve the same rights? Your harsher climates give you more needs.⁶⁰ For six months of the year you cannot use the public square, your murmuring voices cannot make themselves understood in the open air, you focus more on your profits than on your liberty, and you fear slavery far less than you do poverty.

What? Is liberty maintained only with the help of slavery? Perhaps these two extremes do meet. Everything that is not in nature has its disadvantages, civil society more than all the rest. There are certain unhappy circumstances where we cannot preserve our liberty except at the expense of another's, and where the citizen cannot be perfectly free except when the slave is thoroughly enslaved. That was the situation in Sparta. As for you, modern people, you do not have slaves, but you are slaves. You pay for their liberty with your own. You boast of this preference in vain; in it I find more cowardice than humanity.

In saying all this, I do not mean that we need to have slaves or that the right of slavery is legitimate, since I have proved the opposite. I am only stating the reasons why modern people, who think themselves free, have representatives, and why ancient peoples did not have them. Whatever the case, the moment a people gives itself representatives, it is no longer free. It no longer exists.

All things well considered, I do not see how, from this point on, it is possible for the sovereign to preserve among us the exercise of its rights, unless the city is very small. But if it is very small, will it not be conquered? No. Later on I will demonstrate how one can combine the

⁶⁰[Rousseau's note] To adopt in cold countries the luxury and softness of the Orientals is to wish to give oneself their chains. It is to submit to those chains even more unavoidably than they did.

external power of a great people with the easily managed civil forms and good order of a small state.⁶¹

CHAPTER 16

THAT THE INSTITUTION OF GOVERNMENT IS NOT A CONTRACT

Once the legislative power has been properly established, it is a matter of setting up the executive power in a similar fashion; for since the latter, which operates only by particular actions, is not essentially part of the former, it is naturally separate from it. If it were possible for the sovereign, in its capacity as sovereign, to possess executive power, right and fact would be so confused that one would no longer know what was law and what was not, and the body politic, denatured in this way, would soon fall prey to the violence it was instituted to prevent.

Since the citizens are all equal through the social contract, all of them can prescribe what everyone should do, but no one has a right to demand that another person do what he does not do himself. Now, strictly speaking, it is this right, indispensable for providing life and movement to the body politic, that the sovereign gives to the prince by establishing the government.

Several people have maintained that this act of establishment was a contract between the people and the leaders it gives itself, an agreement through which the two parties stipulate the conditions under which one is obliged to command and the other to obey. It will be agreed, I am sure, that this is a strange way to enter into a contract! But let us explore whether this opinion can be sustained.

⁶¹[*Rousseau's note*] That is what I had proposed to do in the sequel to this work, when, in dealing with external relations, I would have come to confederations, a completely new subject whose principles have yet to be established.

First, the supreme authority can no more modify itself than it can alienate itself. To limit it is to destroy it. It is absurd and contradictory for the sovereign to give itself a superior; to oblige itself to obey a master is to return to complete liberty.

Moreover, it is clear that this contract between the people and these or those persons would be a particular act, and thus it follows that this contract could neither be a law nor an act of sovereignty and that, as a result, it would be illegitimate.

One sees as well that the contracting parties would be, with respect to each other, under only one law—the law of nature—without any guarantee of their reciprocal commitments, a situation entirely repugnant to a civil state. Since the person who has the power in his grip is always the master of how it is applied, it would be just like giving the name “contract” to the act of a man who said to someone else, “I am giving you all my possessions, on the condition that you give me back as many of them you please.”

There is only one contract in the state, and that is the contract of association, which, in itself, excludes all others. It is impossible to imagine any other public contract that was not a violation of the first.

CHAPTER 17

ON THE INSTITUTION OF GOVERNMENT

How then must we conceptually grasp the act by which government is instituted? I will first observe that this act is complex or composed of two others, namely, the establishment of the law and the execution of the law.

In the first of these acts, the sovereign decrees that there will be a governmental body established in this or that form. It is clear that this act is a law.

In the second, the people nominate the leaders who will be responsible for the government established. Now, since this nomination is a particular act, it is not a second law, but merely a consequence of the first and a function of government.

The difficulty is to understand how one can have an act of government before the government exists, and how the people, who are only sovereign or subject, can become prince or magistrate in certain circumstances.

Here again we discover one of those astonishing properties of the body politic by which it reconciles apparently contradictory operations. For this reconciliation is brought about by a sudden transformation of the sovereignty into a democracy, so that, without any perceptible change and merely by a new relation of all to all, the citizens become magistrates and pass from general acts to particular ones, from laws to executing them.

This change in relation is not a speculative subtlety without practical examples. It happens every day in the English parliament, where the Lower House at certain times turns itself into a large committee, in order to have a better discussion of its business, and thus becomes a simple commission of the sovereign court it was just a moment before. The result is that it later reports to itself, as the House of Commons, on what

it has just settled in the large committee and deliberates again under one name what it has already resolved under another.⁶²

Democratic government has this unique advantage that it can, in fact, be established by a simple act of the general will. After this, the provisional government remains in power, if that is the adopted form, or establishes in the name of the sovereign the government prescribed by the law, and thus everything proceeds in an authorized way. It is not possible to institute government legitimately in any other manner, without renouncing the principles established above.

CHAPTER 18

WAYS TO PREVENT THE USURPATIONS OF THE GOVERNMENT

As a result of these clarifications, it follows that we have confirmed Chapter 16: the act which institutes the government is not a contract but a law, and those entrusted with executive power are not masters of the people but its officers. The people can appoint them and discharge them when it wishes. For these officials, it is not a question of entering into a contract but of obeying; in taking on the functions that the state imposes on them, they are merely fulfilling their duty as citizens, without having any kind of right to dispute the conditions.

Thus, when it happens that the people institutes a hereditary government, whether a monarchy within a family or an aristocracy within a class of citizens, it is not undertaking a firm commitment, but is giving the administration a provisional form until such time as the people desires to set up an alternative arrangement.

⁶²[*Translator's note*] This process is still standard procedure in meetings run on parliamentary principles or under Robert's Rules of Order. It is called "moving into Committee of the Whole." The procedure permits discussions which are not bound by the stricter rules of the regular meeting or legislative session.

It is true that these changes are always dangerous and that one should never touch an established government except when it becomes incompatible with the public good. But such circumspection is a political maxim and not a rule of right, and the state is no more obliged to leave civil authority to its leaders than it is to leave military authority to its generals.

It is also true that in such a case one cannot be too careful about observing all the formalities necessary for distinguishing between a regular, legitimate act and a seditious tumult, and between the will of an entire people and the clamours of a faction. Here, above all, one must not concede anything to potentially dangerous cases other than what one cannot refuse, following the full strictness of the law.⁶³ From this obligation the prince also derives a great advantage for preserving his power in spite of the people, without anyone being able to claim that he has usurped it. For while the prince appears to be using only his rights, it is very easy for him to extend them and, under the pretext of public tranquility, to prevent public assemblies whose purpose is to re-establish good order. As a result, he takes advantage of a silence which he does not allow people to break, or of irregularities which he himself has had committed, in order to assume that he has the support of those who have been silenced by fear and to punish those who dare speak out. This is how the *Decemvirs*, who were at first elected for one year and then continued for another year, tried to retain their power in perpetuity, by not permitting the *comitia* to assemble.⁶⁴ And it is by this simple means

⁶³[Translator's note] Rousseau uses the term *cas odieux* (literally odious cases), here translated as "potentially dangerous cases." According to Christopher Betts, the French phrase is an old legal term "denoting a case in which the exercise of a right, if permitted, would be harmful in some way."

⁶⁴[Translator's note] The *comitia* in ancient Republican Rome were the legal assemblies of the people. The *decemvirs*, as noted earlier, were members of a commission (originally set up in ancient Rome in 452 BC) entrusted to create a code of law.

that all governments in the world, once vested with public power, sooner or later usurp sovereign authority.

The periodic assemblies I discussed above are appropriate to prevent or postpone such a disaster, above all when there is no need for them to be formally summoned. For then the prince cannot prevent them without openly announcing that he is a lawbreaker and an enemy of the state.

These assemblies, whose sole purpose is to maintain the social treaty, must always open with two propositions which can never be suppressed and which are voted on separately:

First: *Is it the pleasure of the sovereign to maintain the present form of government?*

Second: *Is it the pleasure of the people to leave the administration to those who are presently in charge of it?*

Here I am assuming what I believe I have shown, namely, that in the state there is no fundamental law that cannot be revoked, not even the social pact. For if all the citizens assembled in order to break this pact by common agreement, there is no possible doubt that the breach would be thoroughly legitimate. Grotius even thinks that each person can renounce the state in which he is a member and regain his natural liberty and his possessions by leaving the country.⁶⁵ Now, it would be absurd if all the citizens combined could not do what each one of them can do on his own.

End of Book 3

⁶⁵[Rousseau's note] On the condition, of course, that he does not leave in order to evade his duty and to avoid serving his homeland at a time when she has need of us. Escaping then would be a criminal and punishable act. It would no longer be a departure, but desertion.

BOOK 4

CHAPTER 1

THAT THE GENERAL WILL IS INDESTRUCTIBLE

As long as several men have assembled and consider themselves a single body, they have only a single will, which is concerned with communal preservation and general wellbeing. Then all the springs of the state are vigorous and simple, its principles clear and luminous, there are no confused and contradictory interests, and the common good manifests itself clearly everywhere, requiring only good sense to be perceived. Peace, unity, and equality are the enemies of political subtleties. Men who are upright and straightforward are difficult to deceive because of their simplicity. They are not taken in by ruses and sophisticated pretexts. They are not even shrewd enough to be fooled. When we see among the happiest people of the world groups of peasants governing the affairs of the state under an oak tree and always behaving wisely, is it possible to prevent ourselves despising the refinements of other nations, which make themselves famous and miserable with so much art and mystery?

A state governed in this manner requires very few laws, and as it becomes necessary to promulgate new ones, this need is universally seen. The first man to propose them merely expresses what they all have already felt, and it is not a question of trickery or eloquence to get passed into law what each person has already resolved to do, as soon as he is sure that the others will act as he does.

What leads reasoners astray is that they examine only states that have been poorly constituted since their origin and are struck by the impossibility of maintaining there a political order similar to the one just

mentioned. They amuse themselves in imagining all the silly things a clever knave, someone with an insinuating way of speaking, could convince the people of Paris or London to believe. They do not realize that Cromwell would have been sent to the bells by the people of Berne and the Duke of Beaufort would have been disciplined by those in Geneva.⁶⁶

But when the social tie begins to relax and the state to weaken, when particular interests begin to make themselves felt and small societies begin to exert an influence on the large one, the common interest changes and finds opponents, unanimity no longer rules in the voting, the general will is no longer the will of all, contradictions and debates arise, and the best opinions are not adopted without disputes.

Finally, when the state, close to ruin, no longer survives except in an illusory and empty form, when the social bond is broken in every heart and the vilest interest insolently adorns itself with the sacred name of the public good, at that point the general will becomes mute, all people, guided by secret motives, no more state their views as citizens than if the state had never existed, and iniquitous decrees—whose purpose is merely to advance a particular interest—get passed under the false name of laws.

Does it follow from this that the general will has been annihilated or corrupted? No. It is always constant, unalterable, and pure. But it has been subordinated to other wills that prevail over it. Each man, in detaching his interest from the common interest, sees well enough that

⁶⁶[*Translator's note*] The phrase “sent to the bells” refers to the fact that in Berne, those sentenced to hard labour had bells hung around their necks. It is not clear what punishment is meant by *à la discipline*. Oliver Cromwell (1599-1658): leader of the parliamentary forces in the English Civil War, who led a successful rebellion against Charles I, executed the king, and became Lord Protector; Duke of Beaufort (Francois de Vendome) (1616-1669): important French political figure who joined the insurrection against royal power (the Fronde).

he cannot completely separate from it, but his part of the public evil appears negligible to him alongside the exclusive benefit he means to appropriate for himself. Apart from this particular benefit, he desires the general good in his own interest as strongly as anyone else. Even in selling his vote for money, he does not extinguish the general will within him. He avoids it. The fault he commits is changing the nature of the question and responding to something other than what is asked. As a result, instead of declaring with his vote, “It is advantageous to the state,” he says, “It is advantageous to this man or to this party that such and such an opinion passes.” Thus, the law of public order in the assemblies is not so much to maintain the general will as it is to see to it that it is always questioned and always responds.

Here I could offer a number of reflections on the simple right of voting in every act of sovereignty, a right that nothing can remove from the citizens, as well as on the right to state one’s opinion, to make proposals, to divide, and to discuss things that the government always takes great care not to allow, except to its members. But this important matter would require a separate treatise, and I cannot say everything in this one.

CHAPTER 2 ON VOTING

We see from the preceding chapter that the way in which general affairs are dealt with can provide a reasonably accurate indication of the actual state of morality and of the health of the body politic. The more the assemblies are governed by agreement, that is to say, the more opinions approach unanimity, the more the general will dominates as well. But long debates, dissention, and uproar announce the ascendancy of particular interests and the decline of the state.

This appears less evident when two or more orders enter into the state's constitution, as the patricians and the plebeians did in Rome. Their quarrels often disturbed the *comitia*, even in the best periods of the Republic. But this exception is more apparent than real, for then, thanks to the inherent defect in the body politic, they had, so to speak, two states in one. What is not true about the two together is true about each one separately. And, in fact, even in the stormiest times, the plebiscites of the people, when the senate did not interfere with them, always passed peacefully with a large majority of votes. Since the citizens had only one interest, the people had only one will.

At the other extremity of the circle, unanimity returns. This happens when the citizens, having fallen into servitude, no longer have either liberty or will. At that point, fear and flattery change voting into acclamations. People no longer deliberate: they adore, or they curse. Such was the despicable way of expressing opinions in the senate under the emperors. Sometimes that was done with ridiculous precautions. Tacitus observes that under Emperor Otho, while the senators heaped insults on Vitellius, at the same time they arranged to make a dreadful noise, so that if by chance he became their master, he could not know what each of them had said.⁶⁷

From these various considerations arise the principles according to which one should regulate procedures for counting votes and comparing opinions, according to whether the general will is more or less easy to recognize and the state is more or less in decline.

⁶⁷[*Translator's note*] Publius Cornelius Tacitus (56 AD-117): historian of the Roman emperors; Marcus Salvius Otho (32-69): a Roman emperor; Aulus Vitellius Germanicus (15-69): Roman emperor, who succeeded Otho.

There is only a single law that by its nature demands unanimous consent. That is the social pact. For the civil association is the most voluntary act in the world. Since every man is born free and master of himself, no one can, under whatever pretext, make him a subject without his consent. To decide that the son of a slave is born a slave is to decide that he is not born a man.

Therefore, if at the time of the social pact there are those who oppose it, their opposition does not invalidate the contract; it simply prevents them from being included in it. These are foreigners among the citizens. Once the state is established, to be resident in it indicates consent. To live in the territory is to submit oneself to the sovereign.⁶⁸

Other than this original contract, the voice of the majority is always binding on all the others. That is a consequence of the contract itself. But someone will ask how a man can be free and forced to conform to wills that are not his own. How are opponents both free and subject to laws to which they have not consented?

My answer is that the question is poorly framed. The citizen consents to all the laws, even to those passed in spite of him, and even to those that punish him when he dares to violate any one of them. The constant will of all the members of the state is the general will; through that, they are citizens and free.⁶⁹ When a law is proposed in the assembly of the people, what is being asked of them is not precisely whether they approve the

⁶⁸[Rousseau's note] This should always be understood as applying to a free state. For in other places, family, possessions, lack of shelter, necessity, and violence can keep a resident in the country in spite of himself. In that case, his remaining there, in itself, no longer presupposes consent to or violation of the contract.

⁶⁹[Rousseau's note] In Genoa, one reads the word *Liberty* on the front of prisons and on the chains of the galley slaves. This use of the motto is fine and just. In fact, it is only the malefactors of all stations who prevent the citizen from being free. In a country where all such people were in the galleys, one would enjoy the most perfect freedom.

proposal or reject it, but whether or not it conforms to the general will, which is theirs. In giving his vote, each person delivers his opinion on this question, and the declaration of the general will is obtained by counting the votes. Thus, when an opinion contrary to my own prevails, that proves nothing other than that I was mistaken and that my estimate of the general will was wrong. If my particular opinion had prevailed, I would have done something different from what I had intended and, in that case, I would not have been free.

This assumes, it is true, that all the characteristics of the general will are still in the majority. When they cease to be, whatever side one takes, there is no longer any liberty.

By demonstrating above how particular wills are substituted for the general will in public deliberations, I have sufficiently indicated the practical ways of preventing this abuse. I shall have more to say about that later on. As for the proportional number of votes for declaring this will, I have also provided the principles upon which one can determine it. The difference of a single vote breaks the equality; a single opposing vote breaks the unanimity. But between unanimity and equality, there are several unequal divisions of the votes, at each of which this number can be fixed in accordance with the condition and the needs of the body politic.

Two general principles can help to govern these relationships: one is that the more important and serious the deliberations are, the more the prevailing opinion should approach unanimity; the other is that the more the matter being debated requires a quick decision, the more one should restrict the prescribed difference in the number of votes. In deliberations where it is necessary to reach a decision immediately, a majority of a single vote should be sufficient. The first of these principles seems more

appropriate to laws, and the second to business. Whatever the case, it is by their combination that one establishes the best ratios one can provide for announcing a majority decision.

CHAPTER 3 ON ELECTIONS

With respect to elections of the prince and the magistrates, which are, as I have said, complex actions, there are two ways to proceed, that is, by choice and by lot. These have both been used in various republics, and nowadays a very complicated mixture of the two still takes place in the election of the Doge in Venice.

“Voting by lot,” says Montesquieu, “is in the nature of a democracy.” I agree with that, but why should that be the case? “Drawing lots,” he continues, “is a way of electing that harms no one; it leaves every citizen with a reasonable hope of serving his homeland.” These are not reasons.

If we bear in mind that the election of leaders is a function of the government and not of sovereignty, we will see why a lottery is the method more natural to a democracy, where the smaller the number of administrative acts, the better the administration.

In every genuine democracy, being a magistrate is not an advantage but an onerous duty, which cannot be imposed justly on a particular person rather than on someone else. Only the law can impose this office on the person to whom the lot falls. For in such a case conditions are equal for everyone, and the choice does not depend on any human will. There is no particular application that alters the universality of the law.

In an aristocracy, the prince chooses the prince, the government preserves itself on its own, and there voting is quite appropriate.

Far from destroying this distinction, the example of the election of the Doge of Venice confirms it. This combined form suits a mixed government. For it is a mistake to assume that the government of Venice is a genuine aristocracy. If the people there have no share in the government, the nobility is itself the people. A multitude of poor Barnabites has never come close to attaining any magistrate's office, and its nobility is merely the empty title of Excellency and the right to attend the Grand Council.⁷⁰ Since this Grand Council has as many members as our General Council at Geneva, its illustrious members have no more privileges than our ordinary citizens. It is certain that, apart from the extreme disparity between the two republics, the bourgeoisie of Geneva is the exact equivalent of the patriciate in Venice. Our natives and inhabitants correspond to the city dwellers and the people of Venice, while our peasants correspond to the subjects on the mainland. Finally, however one thinks about that republic, if we set aside its size, its government is no more aristocratic than our own. The entire difference is that, since we in Geneva do not have a leader for life, we do not have the same need for drawing lots.

Elections by lot would have few disadvantages in a genuine democracy, where, because everything was equal in morals and talents, as well as in principles and wealth, the choice would become almost indifferent. But I have already said that there is no true democracy.

⁷⁰[*Translator's note*] The Doge was the leader of the Venetian Republic, elected for life from among the aristocratic Venetians. The Barnabites were impoverished nobles who had a right to attend the Grand Council, the governing assembly in Venice.

When choice and lots are used in combination, the former ought to fill positions that require specific talents, like military appointments, and the latter is appropriate for positions where good sense, justice, and integrity suffice, like those with judicial responsibilities; because in a well-constituted state these qualities are common to all citizens.

Neither lots nor voting have any place in monarchical government. Since the king is by right the sole prince and the only magistrate, the choice of his lieutenants belongs to him alone. When the Abbé de St. Pierre proposed to increase the number of the councils of the King of France and to elect their members by ballot, he did not realize that he was proposing to change the form of the government.⁷¹

It remains for me to discuss the manner of giving and collecting votes in the assembly of the people. But perhaps the history of the political order of the Romans in this matter will explain more palpably all the principles I could set down. A judicious reader will not find it beneath him to read in some detail how public and private affairs were dealt with in a council of two hundred thousand men.

⁷¹[*Translator's note*] Abbé de Saint-Pierre (1658-1743): French writer, who, among other things, proposed certain reforms of Louis XIV's administration.

CHAPTER 4

ON THE ROMAN COMITIA

We have no well-confirmed records of the early days of Rome. It even seems highly likely that most of the things people recite about it are fables.⁷² And, generally speaking, the most instructive part in the annals of a people, the history of its founding, is what we lack the most. Experience teaches us every day the causes that give rise to the revolutions of empires, but since new peoples are no longer being formed, we have hardly anything other than conjectures to explain how they were developed.

The customs we find established attest at least to the fact that these customs had an origin. Of the traditions that go back to these origins, the ones that carry the greatest authority and are confirmed by the most compelling reasons should pass for the most certain. Those are the principles I attempted to follow in exploring how the freest and most powerful people on earth exercised its supreme power.

After the founding of Rome, the emerging republic, that is to say, the army of the founder, made up of Albans, Sabines, and foreigners, was divided into three classes, which, as a result of this division, took the name of *tribes*. Each of these tribes was subdivided into ten *curias*, and each curia into *decurias*, at the head of which were placed leaders called *curions* and *decurions*.

Beyond that, a body of one hundred horsemen or knights, called a *century*, was taken from each tribe. From that we recognize that these

⁷²[Rousseau's note] The name *Rome*, which people claim comes from *Romulus*, is Greek and signifies *force*. The name *Numa* is also Greek and signifies *law*. How likely is it that the first two kings of this town would have had in advance names so well related to what they achieved?

divisions, for which there is hardly any need in a market town, were at first merely military. But it seems that an instinct for greatness led the small town of Rome to give itself in advance a political structure suitable for the capital of the world.

From this initial division a disadvantage soon resulted. The tribe of Albans (*Ramnenses*) and the tribe of Sabines (*Tatienses*) remained always in the same condition, while the tribe of foreigners (*Luceres*) steadily increased, thanks to the constant arrival of foreigners, so that it soon surpassed the other two. The remedy Servius found for this dangerous abuse was to change the means of division.⁷³ He abolished classification by race and substituted for it another based on the places in the town where each of the tribes lived. Instead of three tribes, he created four, each of which occupied and took its name from one of the hills of Rome. Thus, while correcting present inequalities, he also prevented any future reoccurrence of the problem. In order that this division would apply not only to places but to people, he forbade the inhabitants of one quarter from moving into another, which prevented the races from blurring together.

Servius also doubled the three old centuries of knights and added twelve others, but always keeping the old names, a simple and judicious way of successfully distinguishing the body of knights from that of the people, without raising a popular murmur.

To these four urban tribes, Servius added fifteen others, called rustic tribes, because they were made up of people who lived in the country, separated into fifteen cantons. Later on, the same number of new tribes was created, and the Roman people finally found itself divided into

⁷³[Translator's note] Servius Tullius (who reigned from 578-535 BC): legendary sixth king of Rome.

thirty-five tribes. It remained fixed at this number until the end of the Republic.

From this distinction between the city and the rustic tribes, there resulted one effect worth observing, because there is no other example of it, and because Rome owed to it the preservation of its moral traditions and, at the same time, the expansion of its empire. One would have thought that the urban tribes would soon arrogate power and honours to themselves and would not wait to demean the country tribes. What happened was just the reverse. The early Romans' taste for country life is well-known. This taste came to them from the wise founder, who linked liberty with rustic and military work and, so to speak, relegated to the city the arts, trades, intrigue, fortune, and slavery.

In this way, since all of Rome's illustrious persons lived in the country and cultivated the soil, Romans grew accustomed to looking only there for supporters of the Republic. Because this was the condition of the most worthy patricians, it was honored by everyone. The simple and laborious life of the villagers was preferred to the leisurely and slack life of the bourgeoisie in Rome, and the sort of person who would have been merely an unhappy proletarian in the town became a respected citizen by working in the fields. It is not without reason, said Varro, that our magnanimous ancestors established in the village the nursery of those robust and valiant men who defended them in times of war and fed them in times of peace. Pliny states positively that the country tribes were honored because of the men who made them up; whereas, the cowards whom people wanted to dishonour were transferred in disgrace to the town tribes. When the Sabine Appius Claudius came to settle in Rome, he was lavished with honours there and enrolled in a country tribe that later took his family name. Finally, freedmen all entered the urban tribes, never the country ones, and during the entire Republic, there is not a

single example of any of these freedmen attaining any magistrate's office, despite their becoming citizens.

This principle was excellent, but it was pushed so far that it finally resulted in a change and a definite abuse within the political order.

First, the censors, after having for a long time arrogated to themselves the right of arbitrarily transferring citizens from one tribe to another, allowed most people to have themselves enrolled in whatever tribe they wished.⁷⁴ This permission certainly did no good and deprived the censorship of one of its important resources. Furthermore, the great and powerful all had themselves enrolled in the country tribes, while the freedmen, once they became citizens, remained with the populace in the urban tribes, so that, in general, the tribes no longer had any place or territory. Instead, they all found themselves so intermixed that they could no longer recognize the members of each tribe except from the registers. As a result, the idea of the word *tribe* went from something referring to property to something personal, or rather, it became almost a chimera.

It also turned out that since the urban tribes were more at the center of things, they often found themselves stronger in the *comitia*, and they sold the state to those who deigned to buy the votes of the rabble who made up those tribes.

As far as the *curias* are concerned, the founder had made ten in each tribe. Thus, the entire Roman people enclosed at that time within the town walls was composed of thirty *curias*, each of which had its temples, its gods, its officials, its priests, and its festivals, called *compitalia*, which were similar to the *paganalia* held by the rustic tribes later on.

⁷⁴[Translator's note] The censors were public officials in charge of the census and public morality.

When Servius made his new division, since he could not distribute this number of thirty *curias* equally among his four tribes, he did not wish to meddle with them, and the *curias* became an additional division of those living in Rome, independent of the tribes. But there was no question of *curias* in the rustic tribes or in the people who made them up, because, as the tribes had become a purely civil arrangement and that another procedure had been introduced for levying troops, the military divisions of Romulus were superfluous. Thus, although every citizen was enrolled in a tribe, there were many who were not enrolled in a *curia*.

Servius made still a third division, unrelated to the two preceding ones, which, thanks to its effects, became the most important of all. He separated all the Roman people into six classes, which he distinguished neither by location nor by person, but by possessions, so that the first classes were filled with the rich, the last ones with the poor, and the middle ones with those who enjoyed a modest fortune. These six classes were subdivided into one hundred and ninety-three other bodies, called centuries, and these bodies were distributed in such a way that the first class alone included more than half of them and the last class included only one. Thus, the class with the smallest number of men had the largest number of centuries, and the entire last class was counted as only one subdivision, although by itself it contained more than half the inhabitants of Rome.

To ensure that the people were less aware of the consequences of this last arrangement, Servius pretended to give it a military air. He inserted into the second class two centuries of armourers and into the fourth class two centuries of those who made instruments of war. In each class except the last, he distinguished the young and the old, that is, those who were obliged to bear arms and those whose age gave them legal exemption

from this duty. This distinction, more than the one based on possessions, made it necessary to hold frequent renewals of the census or head count. Finally, Servius wanted the assembly to be held on the Field of Mars, and all those whose age made them eligible to serve to come there with their weapons.⁷⁵

The reason he did not follow this same division of young and old in the last class is that the populace making it up was not given the honour of bearing arms on behalf of the homeland. A person had to possess a hearth in order to obtain the right to defend it, and of all those countless hordes of the dispossessed who nowadays make the armies of kings sparkle, there is perhaps not one who would not have been chased away in contempt from a Roman cohort, when soldiers were the defenders of liberty.

However, in the last class, there was also a distinction made between the *proletarians* and those who were called the *capite censi*. The former, who were not entirely reduced to nothing, at least provided citizens to the state and sometimes even soldiers in times of pressing need. As for those who possessed nothing at all and who could not be tallied except by counting heads, they were looked upon as nullities. Marius was the first who deigned to enlist them.⁷⁶

Without determining here whether this third way of counting the inhabitants was inherently good or bad in itself, I think I can affirm that the only thing that could have made it workable was the simple morality of the early Romans, their disinterestedness, their taste for agriculture, and their scorn for commerce and for love of profit. Where is the

⁷⁵[Translator's note] *Field of Mars (Campus Martius)*: a large open area in Rome, used for military training and displays.

⁷⁶[Translator's note] *Gaius Marius (157–86 BC)*: Roman general who reorganized Rome's military forces and served as consul (i.e., head of the government) seven times.

modern people among whom voracious greed, restless spirits, intrigue, constant displacements, and perpetual changes in fortune could allow a similar arrangement to last for twenty years without convulsing the whole state? We must also observe that in Rome morality and censorship, which were stronger than this system, corrected its defects, and that a rich man might see himself relegated to the class of the poor for making too great a display of his wealth.

From all this, one can readily understand why people almost always speak of only five classes, although there were, in fact, six of them. Since the sixth furnished neither soldiers for the army nor voters for the Field of Mars, and played hardly any role in the Republic, it was rarely thought to count for anything.⁷⁷

These were the different divisions of the Roman people. Let us now see the effect these divisions produced in the assemblies. When these assemblies were legally summoned, they were called *comitia*. They were normally held in the public square in Rome or in the Field of Mars and were differentiated into *comitia* by *curias*, *comitia* by centuries, and *comitia* by tribes, according to which of these three arrangements had been ordered. The *comitia* by *curia* had been established by Romulus, the *comitia* by centuries by Servius, and the *comitia* by tribes by the tribunes of the people. No law was sanctioned and no magistrate elected except in the *comitia*, and since there was no citizen who was not enrolled in a *curia*, in a century, or in a tribe, it followed that no citizen was excluded from the right to vote, and that the Roman people was truly sovereign, in right and in fact.

⁷⁷[Rousseau's note] I say on the *Field of Mars*, because it was there that the *comitia* by centuries assembled. In the two other arrangements, the people gathered at the *forum* or elsewhere, and on those occasions the *capite censi* had as much influence and authority as the foremost citizens.

In order for the *comitia* to be legitimately assembled and for what happened there to have the force of law, three conditions had to be satisfied: first, the body or the magistrate who summoned the assemblies had to be vested with the necessary authority to do so; second, the assembly had to take place on one of the days permitted by law; and third, the auguries had to be favorable.

The reason for the first condition requires no explanation. The second is a matter of policy. Thus, it was not permitted to hold *comitia* on festival or market days, when the country people came to Rome to conduct their business and did not have the time to spend all day in the public square. With the third condition, the senate held in check a proud and boisterous people, and appropriately restrained the zeal of seditious tribunes. However, the latter discovered more than one way to evade this difficulty.⁷⁸

The laws and the election of leaders were not the only matters submitted to the judgment of the *comitia*. Since the Roman people had seized control of the most important functions of government, we could say that the fate of Europe was settled in its assemblies. This variety in the purposes of these assemblies gave rise to the various forms they assumed, according to the matters on which they had to pronounce.

In order to assess these different forms, all we have to do is compare them. In establishing the *curias*, Romulus was intending to use the people to restrain the senate and the senate to restrain the people, while exercising equal control over both. Hence, with this form of assembly he gave the people complete authority of numbers to balance the authority

⁷⁸[Translator's note] The tribunes were officials elected by the plebs (common people) to represent them. They had no official powers but, because no one was allowed to harm them (i.e., they were sacrosanct), they exercised considerable political influence.

of power and wealth that he left to the patricians. However, following the spirit of monarchy, he nevertheless left the patricians a greater advantage, thanks to the influence of their clients on the majority of votes. This admirable institution of patrons and clients was a masterpiece of politics and humanity, without which the patriciate—so contrary to the spirit of the Republic—could not have survived. Rome alone had the honour of giving the world this excellent example, which never resulted in any abuse and which, in spite of that, has never been followed.

Since this same form of *curias* lasted under the kings up to Servius, and since the reign of the last Tarquin was not considered legitimate, royal laws were generally designated by the name *leges curiatae* [laws of the curias].

Under the Republic, the *curias*, always limited to the four urban tribes and including only the population of Rome, could work neither with the senate, which stood at the head of the patricians, nor with the tribunes, who, although plebeians, were leading figures among the affluent citizens. Hence, the *curias* fell into disrepute and became so degraded that their thirty lictors, once assembled, used to do what the *comitia* by *curia* should have done.

The division by centuries was so favorable to the aristocracy that at first one does not understand how the senate did not always prevail in the *comitia* with this name, in which the consuls, censors, and the other curial magistrates were elected.⁷⁹ In effect, of the one hundred and ninety-three centuries which formed the six classes of all the Roman people, the first class contained ninety-eight, and since the votes were counted only

⁷⁹[Translator's note] A curial magistrate in Rome was a senior official entitled to use a special chair (the *sella curulis*).

by centuries, this class by itself prevailed over all the others in the number of votes. When all these centuries were in agreement, they did not even continue to collect the votes. What the smallest number had determined passed for a decision by the multitude, and one could say that in the *comitia* by centuries, affairs were governed more by the preponderance of money than of votes.

However, this extreme authority was tempered in two ways. First, the tribunes, as a rule, were in the class of the wealthy, which always had a large number of plebeians as well. Hence, they counterbalanced the influence of the patricians in this first class.

The second way consisted of the following: instead of having the centuries begin by voting according to their order, which would have always made them start with the first class, they chose one century by lot, which went ahead with the election on its own.⁸⁰ After that, all the centuries were summoned on a different day, according to their rank, repeated the same election, and usually confirmed it. In this way, the authority of example was removed from rank in order to assign it by lot, in accordance with democratic principle.

Yet another advantage resulted from this practice. The citizens in the countryside had time between the two elections to inform themselves about the merits of the candidate who had been provisionally nominated, so that they did not cast their votes without knowing about the case. However, under the pretext of speed, this practice was finally abolished, and the two elections took place on the same day.

⁸⁰[Rousseau's note] The century chosen by lot in this manner was called *praerogativa*, because it was the first one asked for its vote, and from this practice the word *prerogative* is derived.

The *comitia* by tribes were, strictly speaking, the council of the Roman people. They were convened only by the tribunes. In them the tribunes were elected and passed their plebiscites. The senate had no standing there. Not only that, it did not even have the right to be present. Forced to obey laws on which they could not vote, the senators were, in this respect, less free than the lowest citizens. This injustice was totally misconceived and by itself was enough to invalidate the decrees of a body to which all its members were not admitted. If all the patricians had been present at these *comitia*, in accordance with the right they possessed as citizens, and had then become ordinary individuals, they would have had hardly any influence on a form of voting which counted heads, where the lowest proletarian had as much power as the leading member of the senate.

Thus, we see that, apart from the resulting order from these various ways of dividing up so great a people to collect their votes, these distributions were not reducible to inherently indifferent forms, but that each one had effects relative to the views that made it the preferred arrangement.

Without going into further details about this matter, we can see from the preceding explanations what resulted: the *comitia* by tribes were the most favorable to popular government, while the *comitia* by centuries were the most favorable to the aristocracy. As for the *comitia* by *curias*, where the Roman populace by itself formed the plurality, because they were good only for favoring tyranny and malicious designs, they went on to fall into disrepute. Even seditious men abstained from a means that made their projects too prone to discovery. It is certainly true that the entire majesty of the Roman people was found only in the *comitia* by centuries, the only assemblies that included everybody, given that rustic tribes were not part of the *comitia* by *curias* and the senate and patricians were not part of the *comitia* by tribes.

As for the method of collecting the votes, among the early Romans that was as simple as their morality, although less simple than in Sparta. Each man shouted out his vote, and a clerk duly recorded it. The majority of votes in each tribe determined the tribe's vote, and a majority of the votes among the tribes determined the people's vote. The *curias* and centuries did the same. This practice was good as long as honesty ruled among the citizens and each man was ashamed to give his vote publicly for an unjust proposal or an unworthy issue. But when the people became corrupt and votes were purchased, it was appropriate for votes to be given in secret, so that a lack of trust would discourage those purchasing votes, and scoundrels had a way of avoiding treachery.

I know that Cicero criticizes this change and attributes to it, in part, the ruin of the Republic. But although I am aware of the weight one should give to Cicero's authority on this point, I cannot agree with his opinion. On the contrary, I think that the failure to make a sufficient number of similar changes hastened the downfall of the state. Just as the regimen of healthy people is inappropriate for the sick, so one should not wish to govern a corrupt people with the same laws that are appropriate for a good people. Nothing proves this principle better than the long life of the Venetian Republic, whose simulacrum still exists, solely because its laws are suitable only for wicked men.

The citizens were thus given tablets on which each person could vote without anyone knowing what his opinion was. They also instituted new formalities for collecting the tablets, counting the votes, comparing the numbers, and so on. These did not prevent people from frequently suspecting the trustworthiness of the officials charged with carrying out

these duties.⁸¹ Finally, to prevent trickery and trafficking in votes, edicts were announced, but the large number of these shows how ineffectual they were.

Towards the end of the Republic, it was often necessary to turn to extraordinary expedients in order to make up for the inadequacy of the laws. Sometimes it was implied that miracles had taken place, but this method, while capable of impressing the people, had no effect on those who governed them. Sometimes an assembly was summoned abruptly, before the candidates had time to organize their intrigues. Sometimes an entire session was spent talking, when it was clear that the people had been won over and was ready to adopt a bad position. But in the end ambition eluded all such efforts, and what is incredible is that in midst of so much abuse, this immense people, thanks to its ancient ordinances, did not fail to elect magistrates, pass laws, judge cases, and expedite private and public business with almost as much facility as the senate itself could have done.

CHAPTER 5 ON THE TRIBUNATE

When it is impossible to establish an exact proportion between the parts making up the state, or when causes that cannot be eliminated constantly alter the relationships among those parts, then a special magistracy is established which does not share a corporate form with the others. This magistracy restores each term to its correct relation and creates a link or a middle term, either between the prince and the people, or between the prince and the sovereign, or, if necessary, between both sides at once.

⁸¹[Rousseau's note:] Supervisors, distributors of the ballots, and collectors of votes. [Translator's note] Rousseau uses Latin terms: *Custodes*, *Diribitores*, *Rogatores suffragiorum*.

This body, which I shall call the *tribunate*, is the preserver of the laws and of the legislative power. Sometimes it serves to protect the sovereign against the government, as the tribunes of the people did in Rome, sometimes to maintain the government against the people, as the Council of Ten now does in Venice, and sometimes to preserve the balance between the two, as the ephors did in Sparta.⁸²

The tribunate is not a constituent part of the city, and should have no share of legislative or executive power. But from that very fact, its power is greater, for although it cannot do anything, it can prevent everything. As the defender of the laws, it is more sacred and more revered than the prince who executes them and the sovereign who gives them. This was clearly evident in Rome when those proud patricians, who always despised the people as a whole, were forced to bow down before a simple officer of the people who had neither auspices nor jurisdiction.

A wisely tempered tribunate is the strongest support for a good constitution, but if its power is even a little excessive, it overturns everything. As for being weak, that is not in its nature, and provided it is something, it is never less than it needs to be.

The tribunate degenerates into tyranny when it usurps executive power, for which it is only the moderator, and when it wishes to administer the laws that it must only protect. The enormous power of the ephors, which posed no danger as long as Sparta preserved its traditional morality, accelerated corruption there, once it had commenced. The blood of Agis, whose throat was slit by these tyrants, was avenged by his successor. The crime and the punishment of the ephors hastened equally the fall of the republic, and after Cleomenes Sparta was no longer significant.

⁸²[*Translator's note*] The ephors were elected senior officials in ancient Sparta who played a major role in running the state.

Rome also perished in the same way: the excessive power of the tribunes, gradually usurped, together with the help of laws made for liberty, finally served as a safeguard for the emperors who destroyed it.⁸³ As for the Council of Ten in Venice, it is a tribunal of blood, a horror to the patricians and the people alike, which, far from proudly protecting the laws, no longer serves for anything, now that those laws have been degraded—except to strike blows in the shadows, which no one dares notice.

The tribunate, like the government, grows weak as its members multiply. When the tribunes of the Roman people, who at first numbered two and later five, wished to double this number, the senate let them do it, fully confident that it could use some of them to restrain the others, and this did not fail to occur.

The best way to prevent the usurpations of such a redoubtable body, a method that no government has used up to this point, would be not to make the tribunate a permanent body but to regulate the periods during which it would remain suppressed. These periods, which should not be long enough to allow abuses the time to grow strong, can be fixed by the law in such a way that it would be easy to shorten them, if need be, by extraordinary commissions.

This method, in my view, would have no disadvantages, because, as I have said, the tribunate is not part of the constitution and can be removed without damaging it, and it seems to me effective because a newly reinstated magistrate begins, not with the power that his predecessor had, but with the power the law assigns him.

⁸³[*Translator's note*] Agis (265–241 BC): king of Sparta, who tried to correct political abuses; Cleomenes: king of Sparta (235–222 BC).

CHAPTER 6

ON DICTATORSHIP

The inflexibility of the laws, which prevents them from being adapted to events, can in certain cases make them harmful, and during a crisis, lead them to bring about the ruin of the state. The order and the slowness of procedures require a space of time that circumstances sometimes do not allow. A thousand situations can arise that the lawgiver has not anticipated, and a very necessary part of foresight is having a sense that one cannot foresee everything.

Thus, one should not demand that political institutions be strengthened to the point where one makes it impossible to suspend their activity. Even Sparta allowed its laws to slumber.

But only the very gravest dangers can offset the danger of changing the public order, and the sacred power of the laws should never be suspended, except when it is a matter of the safety of the homeland. In these rare and obvious cases, one provides for the safety of the public by a particular act that assigns this responsibility to the most worthy person. This commission can be assigned in two ways, depending on the nature of the danger.

If one can remedy things sufficiently by increasing the activity of the government, one concentrates it in one or two of its members. In this way, one is not altering the authority of the laws, but only the form of their administration. If the peril is such that the system of laws is an obstacle to their preservation, in that case one nominates a supreme leader who silences all the laws and suspends for the moment the sovereign authority. In a situation like that, the general will is not in doubt: it is clear that the people's primary intention is that the state does

not perish. In this way, the suspension of the legislative authority does not abolish it. The magistrate who silences it cannot make it speak. He dominates it, but does not have the power to represent it. He can do anything, except make laws.

The first method was employed by the Roman senate when, with a consecrated formula, it charged the consuls to provide for the safety of the Republic. The second occurred when one of the two consuls appointed a dictator,⁸⁴ a practice for which Alba had given Rome an example.⁸⁵

At the beginning of the Republic, there was frequent recourse to dictatorship, because the state did not yet have a sufficiently firm foundation to be capable of maintaining itself by the strength of its constitution alone. Since at that time, traditional morality rendered superfluous many of the precautions that would have been necessary in another age; they feared neither that a dictator would abuse his authority, nor that he would attempt to retain it beyond his term. It seemed, on the contrary, that such enormous power was a burden to the man entrusted with it, so eager was he to divest himself of it quickly, as if it had been too difficult and too perilous to stand in the place of the laws!

Thus, what makes me criticize the indiscreet use of this supreme magistrate in the early days of Rome is the danger, not of abusing it, but of demeaning its significance. For while they squandered it in elections, dedications, and purely formal occasions, there was a fear that it would become less formidable in times of need and that people would grow

⁸⁴[*Rousseau's note*] This appointment was made at night and in secret, as if they were ashamed to set a man above the laws.

⁸⁵[*Translator's note*] The consuls were the most important political figures in the Roman Republic. Two were elected each year. Alba was a legendary king of Rome.

accustomed to looking on it as an empty title, used only at empty ceremonials.

Towards the end of the Republic, the Romans, becoming more circumspect, were as unreasonable in limiting dictatorship as they had been previously in using it too much. It was easy to see that their fears were not well-founded, that the weakness of the capital at the time made it safe from the magistrates who lived inside it, that a dictator could, in certain situations, defend public freedom, without ever being able to attack it, and that Rome's shackles would be forged not in Rome itself, but in its armies. The feeble resistance that Marius offered against Sulla and Pompey offered against Caesar clearly showed what one could expect from the authority within the city against a force from outside.⁸⁶

This mistake led the Romans to commit major blunders, such as, for example, not naming a dictator during the Catiline affair. For since this involved only the interior of the city and, at most, some provinces in Italy, a dictator with the unlimited authority provided by law would have easily broken up the conspiracy, which was snuffed out only by a combination of fortunate chance events, which human prudence should never expect.⁸⁷

Instead of that, the senate contented itself with handing over all its power to the consuls. The result was that Cicero, in order to act effectively, was forced to overstep this power at a critical point, and if the first transports of joy led them to approve of his conduct, later on he was justly called to

⁸⁶[*Translator's note*] Lucius Cornelius Sulla (138–78 BC): a Roman general and politician, who marched on Rome, defeated Gaius Marius (157–86 BC), who was defending the city, and established himself as a dictator; Gnaeus Pompeius (106–48 BC), an important political and military leader in Rome, who in 49 BC refused to defend the city against the advance of Julius Caesar (100–44 BC) and his army.

⁸⁷[*Translator's note*] Lucius Sergius Catilina (108–62 BC): a Roman senator who attempted conspiratorial revolts against the Roman Republic, after the second of which (in 63 BC) he fled from Rome.

account for the blood of citizens shed in violation of the laws, a reproach which could not have been made against a dictator. But the eloquence of the consul carried all before it, and he himself, although a Roman, loved his own glory more than his homeland and sought out, not so much the most legitimate and surest way of saving the state, as the one that would give him all the honour in this affair.⁸⁸ And so he was justly celebrated as the liberator of Rome and justly punished as a breaker of the laws. However brilliant his recall may have been, it clearly was a pardon.⁸⁹

Moreover, in whatever manner this important commission is conferred, it is important to establish that its term will last for a very short period of time and can never be extended. In the crises that lead to its implementation, the state is soon destroyed or saved, and once the pressing need has passed, a dictatorship becomes tyrannical or useless. In Rome, dictators were appointed for only six months, and most abdicated before this term was over. If the term had been longer, perhaps they might have been tempted to prolong it further, as the *decemvirs* did with their one-year term. The dictator had time only to cope with the need that had led to his election; he had no time to muse upon other projects.

⁸⁸[Rousseau's note] This point he [Cicero] could not have been sure about if he had proposed a dictator, for he did not dare nominate himself, and he could not be sure that his colleague would nominate him.

⁸⁹[Translator's note] Marcus Tullius Cicero (106–43 BC): a major Roman writer, orator, and politician, elected Consul in 63 BC, exiled after his success in the Catiline affair (for executing Roman citizens illegally) and then permitted to return.

CHAPTER 7

ON CENSORSHIP

Just as the declaration of the general will is made through the law, the declaration of public judgment is made through the censorship. Public opinion is the kind of law administered by the censor, which he applies only to particular cases, following the example of the prince.

Thus, the censorial tribunal, far from being the arbiter of public opinion, is only its voice, and as soon as the tribunal moves away from this opinion, its decisions are empty and without effect.

It is pointless to distinguish the morality of a nation from the objects it esteems, for all these things are derived from the same principle and are necessarily interconnected. Among all the peoples of the world, it is not nature but opinion that determines the choice of their pleasures. Set straight men's opinions, and their morality will purify itself. People always love what is good or what they find good, but in this judgment they err. Therefore, it is a question of regulating this judgment. Anyone who judges morality is judging honor, and anyone who judges honour takes his law from opinion.

The opinions of a people are born from its constitution. Although the law does not regulate morality, it is legislation that gives birth to it. When legislation is weak, morality degenerates, but in such situations the judgment of the censors will not achieve what the power of the law has failed to bring about.

From that it follows that the censorship can be useful for preserving morals, but never for restoring them. Establish censors when the laws are

strong. As soon as they lose their strength, everything is hopeless. Nothing legitimate has force any more once the laws no longer have any.

Censorship supports morality by preventing opinions from becoming corrupted, by preserving their rectitude with wise applications, and sometimes even by determining opinions when they are still uncertain. The use of seconds in duels, carried to a frenzy in the kingdom of France, was abolished there simply by these words in a royal edict: *as for those who have the cowardice to call upon seconds*. This judgment, anticipating that of the public, instantly determined the matter. But when the same edicts wanted to announce that it was also cowardice to fight duels—which is very true but contrary to common opinion—the public ridiculed this decision in a matter on which it had already rendered judgment.

I have said elsewhere that since public opinion is not subject to constraint, there must be no trace of that in the tribunal set up to represent it.⁹⁰ It is impossible to admire too much the skill with which this resource, entirely lost among the moderns, was implemented among the Romans and even better still among the Lacedaemonians.

When a man with bad morals offered good advice in the Spartan Council, the ephors paid no attention to it and had the same opinion put forward by a virtuous citizen. What an honour for one, and what a disgrace for the other, without a word of praise or blame for either of the two! When certain drunkards from Samos defiled the Tribunal of Ephors, the next day a public edict gave the Samians permission to be

⁹⁰[Rousseau's note] In this chapter I am merely pointing out something I have dealt with at greater length in the Letter to M. d'Alembert.

disgusting.⁹¹ A real punishment would have been less severe than this kind of impunity. When Sparta has made a pronouncement on what is or is not respectable, Greece does not appeal its judgments.

CHAPTER 8 ON CIVIL RELIGION

At first men had no kings other than the gods, nor any government other than a theocratic one. They reasoned like Caligula, and at that time such reasoning was correct. Changes in feelings and ideas over a long time are necessary in order for men to be capable of deciding to take someone like themselves as their master, and of flattering themselves that things will work out well for them.

From the mere fact that a god was placed at the head of each political society, it followed that there were as many gods as peoples. Two populations foreign to each other and almost always enemies could not recognize the same master for long; two armies busy fighting each other could not obey the same leader. And so national differences produced polytheism, and from that theological and civil intolerance, which, as I will mention later, are naturally the same.

The fanciful way the Greeks had of rediscovering their gods among barbarous peoples came from the habit they also had of looking upon themselves as the natural sovereigns of these peoples. But nowadays the erudition that merges the identities of the gods of various nations is truly ridiculous, as if Moloch, Saturn, and Cronos could have been the same god, as if Baal of the Phoenicians, Zeus of the Greeks, and Jupiter of the

⁹¹[*Translator's note*] In the 1782 edition, Rousseau adds: "They were from a different island which the refined nature of our language does not permit me to name on this occasion." Critics have suggested that the island referred to here is *Chios*, a name that resembles the French word *chier* meaning *to shit*.

Latins could have been the same, as if there could have been anything in common among chimerical beings bearing different names!

If one asks how there were no wars of religion in pagan times, when each state had its cult and its gods, I answer that it was for that very reason: since each state had its own cult as well as its own government, it did not distinguish between its gods and its laws. Political war was also theological. The departments of the gods were, so to speak, fixed by national boundaries. The god of one people had no right over other peoples. The gods of the pagans were not jealous gods; they shared among themselves the empire of the world. Even Moses and the Hebrew people sometimes lent credence to this idea by speaking of the god of Israel. It is true they regarded the gods of the Canaanites as nothing at all, but these people were outcasts, condemned to destruction, and the Hebrews were to occupy their lands. But consider how they spoke about the divinities of neighboring peoples they were forbidden to attack. “Is not the possession of what belongs to your god Chamos,” said Jephthah to the Ammonites, “legitimately your own? We possess the same title to the lands that our victorious god has acquired for himself.”⁹² At that point, it seems to me, there was a clear recognition that the rights of Chamos and those of the God of Israel were equal.

But when the Jews were subjects of the kings of Babylon and then later of the kings of Syria, they were obstinate in refusing to recognize any god but their own, and their refusal was looked upon as a rebellion against their conqueror. It brought down on them the persecutions we

⁹²[Rousseau’s note] *Nonne ea quae possidet Chamos deus tuus tibi jure debentur?* Such is the text of the Vulgate. Father de Carrières has translated it: *Do you not believe you have the right to possess what belongs to Chamos, your god?* I do not know the force of the Hebrew text, but I see that in the Vulgate Jephthah positively recognizes the right of the god Chamos and that the French translator has weakened this acknowledgement by adding *according to you*, which is not in the Latin.

read about in their history. We see no other examples of this before Christianity.⁹³

Thus, since each religion was exclusively linked to the laws of the state that prescribed it, there was no way of converting a people except by subjugating it, and there were no missionaries other than conquerors; since the obligation to change religious cult was a law of the vanquished, one had to begin by conquering before talking about such things. Far from men fighting for the gods, it was the gods, as in Homer, who fought for men. Each man asked his god for victory and paid him for it with new altars. Before capturing a place, the Romans called upon its gods to abandon it. When they let the Tarentines keep their angry gods, the reason was that at the time they considered these gods subject to their own and forced to pay them homage. The Romans left those they conquered have their own gods, as they left them their laws. Often the only tribute they imposed was a wreath to Capitoline Jupiter.

Finally, once the Romans had extended their cult and their gods along with their empire and had often themselves adopted those of the peoples they had conquered, they accorded to both the rights of the city, and the peoples of this vast empire found themselves imperceptibly acquiring multitudes of gods and cults, which were almost the same everywhere. That is how paganism in the known world eventually became a single integrated religion.

It was in these circumstances that Jesus came to establish on earth a spiritual kingdom, which, by separating the theological system from the political system, made it so that the state ceased to be unified and caused internecine divisions that have never stopped agitating Christian peoples.

⁹³[Rousseau's note] It is perfectly clear that the Phocian War, which was called a Sacred War, was not a war about religion. Its purpose was to punish sacrilegious actions, not to subdue non-believers.

Now, since this new idea of a kingdom in another world could never have occurred to pagans, they always looked upon Christians as genuine rebels who, beneath a hypocritical submission, were only looking for an opportunity to make themselves independent and masters, and adroitly usurp the authority they pretended in their weakness to respect. This was the cause of the persecutions.

What the pagans had feared came to pass, and then the appearance of everything was transformed: the humble Christians changed their language, and soon people saw this alleged kingdom in another world become, under a visible leader, the most violent despotism in this one.

However, since there have always been a prince and civil laws, this double power has resulted in a perpetual conflict over jurisdiction, which has made all good polities impossible in Christian states, and people have never been able to resolve the question of whether they were obliged to obey the master or the priest.

However, several peoples, even in Europe or its vicinity, wished to preserve or reinstate the old system, but without success. The spirit of Christianity won over everything. The sacred cult has always remained or has once more become independent of the sovereign, without a necessary connection to the body of the state. Mohammed had very sensible views, and he linked his political system together well. As long as his form of government lasted under the caliphs who succeeded him, this government was strictly unified and, in that respect, a good one. But once the Arabs became prosperous, literate, civilized, soft, and cowardly, they were subjugated by barbarians. Then the division between the two powers started once again. Although it is less apparent among the Mohammedans than among the Christians, it is there, nonetheless, above

all in the sect of Ali, and there are states, like Persia, where it never ceases to make itself felt.

Among us, the kings of England have made themselves heads of the church, and the tsars have done the same. But with this title they have made themselves less masters than ministers. What they have acquired is not so much the right to change it as the power to maintain it. They are not its legislators, only its princes. Wherever the church is a corporate body, it is master and legislator in its own domain.⁹⁴ Thus, there are two powers, two sovereigns, in England and in Russia, just as there are elsewhere.

Of all Christian authors, the philosopher Hobbes is the only one who has clearly seen the evil and the remedy, who has dared to propose reuniting the two heads of the eagle and returning everything back to political unity, without which neither the state nor the government will ever be well constituted. But he should have seen that the dominating spirit of Christianity was incompatible with his system and that the interest of the priest would always be stronger than that of the state. What makes his political theory hated is not so much what is horrible and false in it, as what is just and true.⁹⁵

⁹⁴[Rousseau's note] One should take careful note that what binds the clergy together into a body is not so much formal assemblies, like those in France, as the communion of churches. Communion and excommunication are the social pact for the clergy, a pact with which it ensures that it will always be the master of peoples and kings. All the priests in communion together are fellow citizens, even if they are at opposite ends of the earth. This invention is a political masterpiece. There was nothing like it among the pagan priests, and that is why they never formed a corporate body of clergy.

⁹⁵[Rousseau's note] See among other things in a letter of Grotius to his brother (April 11, 1643), what this learned man agrees with and what he criticizes in the book *De Cive*. It is true that, with his tendency to be indulgent, he appears to forgive what the author has done well for the sake of what he has done badly, but not everyone is so merciful.

I believe that if we developed the historical facts from this point of view, we would easily refute the opposing opinions of Bayle and Warburton: the former maintains that no religion is of any use to the body politic, and the latter, by contrast, claims that Christianity is its firmest support.⁹⁶ We could prove to the first that no state has ever been established where religion did not serve as its foundation, and to the second that Christian law is basically more injurious than useful to the strong constitution of a state. To make myself understood, I need only provide a little more precision to the overly vague ideas of religion relevant to my subject.

Religion, considered in relation to society, which is either general or particular, can also be divided into two types, namely, the religion of man and the religion of the citizen. The first has no temples, no altars, no rites, and is limited to the purely interior worship of the supreme God and to the eternal duties of morality. This is the pure and simple religion of the Gospel, the true theism, and we can call it *divine natural law*. The other, established in a single country, provides its gods, its own tutelary patrons. It has its dogmas, its rites, and its external worship prescribed by the laws. Outside the single nation that follows it, everything is, from its point of view, infidel, foreign, and barbarous. It extends the duties and the rights of man only as far as its altars. Such were all the religions of early peoples. We can give these the name *civil* or *positive divine law*.

There is a third and more bizarre kind of religion which provides men with two legislations, two leaders, and two homelands; subjects them to contradictory obligations and makes them incapable of being both devout and citizens at the same time. The religions of the Lamas and of the Japanese are like this, as is Roman Christianity. We can call this kind the

⁹⁶[*Translator's note*] Pierre Bayle (1647-1706): a French philosopher who advocated a separation between organized religion and the state; William Warburton (1698-1779): English writer and bishop who, among many other endeavours, wrote about the importance of an alliance between church and state.

religion of the priest. It results in a sort of mixed and unsociable law that has no name.

Considered from a political perspective, these three varieties of religion all have their faults. The third is so obviously bad that to amuse oneself by demonstrating the fact would be a waste of time. Everything that fractures social unity is worthless: all institutions that set a man in contradiction with himself are worthless.

The second is good, in that it unites the divine cult and love of the laws and, by making the homeland the object of adoration among the citizens, teaches them that to serve the state is to serve its tutelary god. It is a type of theocracy in which there is to be no pontiff but the prince, and no priests but the magistrates. Thus, dying for one's country means becoming a martyr, violating the laws is impiety, and subjecting a guilty person to public execration is to commit him to the anger of the gods. *Sacer estod.*⁹⁷

However, this form of religion is bad, in that, being based on error and lies, it deceives people, makes them credulous and superstitious, and drowns genuine worship of the divinity in an empty ceremonial. It is bad, too, when it becomes exclusive and tyrannical, and makes a people bloodthirsty and intolerant, so that it breathes only murder and massacre and believes it is carrying out a sacred act by killing anyone who does not accept its gods. That places such a people in a natural state of war with all the others, something very injurious to its own security.

Thus, what remains is the religion of man or Christianity—not the Christianity of today, but that of the Gospel, which is entirely different.

⁹⁷[Translator's note] *Sacer estod* [Be accursed]: an ancient Roman formal sentence of severe punishment.

In this holy, sublime, and true religion, all men, children of the same God, recognize each other as brothers, and the society that unites them is not dissolved even at death.

But since this religion has no specific relationship with the body politic, it leaves the laws with the power they draw from themselves alone, without adding anything else to them, and in that way one of the great bonds of a particular society remains inactive. And more than that, far from tethering the citizens' hearts to the state, it detaches them from it, as it does from all things of the earth. I know of nothing more contrary to the social spirit.

We are told that a people of true Christians would form the most perfect society one could imagine. In this supposition I see only one large difficulty: a society of true Christians would no longer be a society of men.

I even claim that this supposed society, for all its perfection, would be neither the strongest nor the most durable. By virtue of being perfect, it would lack cohesive bonds; its very perfection would be its destructive vice.

Each person would fulfill his duty, the people would be subject to the laws, the leaders would be just and temperate, the magistrates honest and incorruptible, the soldiers would scorn death, and there would be neither vanity nor luxury. That is all well and good. But let us look further.

Christianity is an entirely spiritual religion, exclusively concerned with heavenly things. A Christian's homeland is not of this world. He does his duty—that is true—but he does it with a profound indifference to the success or lack of success of his efforts. Provided he has nothing to

reproach himself with, it matters little to him whether everything here below goes well or ill. If the state is flourishing, he hardly ventures to rejoice in the public happiness, for fear of growing proud of his country's glory; if the state languishes, he blesses the hand of God weighing down His people.

For such a society to be peaceful and for harmony to be maintained, all the citizens without exception would have to be equally good Christians. But if, by some misfortune, there was one ambitious person, a single hypocrite, a Catiline, for example, or a Cromwell, he would inevitably get the better of his pious compatriots. Christian charity does not readily permit one to think ill of one's neighbor. The moment he finds a way of forcing himself on them by some ruse and of seizing a share of public authority, then there you have it, a man established in dignity, someone God wants people to respect, and then, soon, you have a power, someone God wants people to obey. The man who is entrusted with this power, does he abuse it? That is the rod with which God punishes His children. People would have scruples about driving out the usurper: that would require upsetting public tranquility, using violence, spilling blood—none of which sits well with Christian gentleness. And, after all, what does it matter whether one is a free man or a serf in this vale of sorrow? The essential matter is reaching paradise, and resignation is merely one more way of getting there.

What if there is some war with a foreign state? The citizens have no trouble marching out to fight. Not one of them dreams of running away. They do their duty. But they have no passion for victory. They know more about dying than about conquering. Whether they are the victors or the vanquished, what does that matter to them? Does not Providence understand better than they do what is right for them? Imagine how a proud, impetuous, and passionate enemy could take advantage of their

stoicism! Set against them those generous people consumed with an ardent love of glory and of their homeland. Imagine your Christian republic up against Sparta or Rome. The pious Christians will be beaten, crushed, and destroyed, before they have had time to know where they are, or will owe their safety solely to the scorn their enemy feels for them. In my view, that was a fine oath that the soldiers of Fabius took: they did not swear to die or conquer, but to return as conquerors, and they kept their oath. Christians would never have done anything like that. They would have believed they were tempting God.

However, I am wrong to talk about a Christian republic. These two words are mutually exclusive. Christianity preaches nothing but servitude and dependence. Its spirit is too favorable to tyranny for tyranny not to use it always for its own advantage. True Christians are made to be slaves. They know this and are scarcely moved by it. This short life has too little value in their eyes.

Someone will tell me that Christian troops are excellent. I deny it. Show me an example of such troops. As far as I am concerned, I do not know of any Christian troops. People will cite the Crusades. Without disputing the courage of the Crusaders, I will observe that they were far from being Christians. They were the soldiers of the priest; they were citizens of the Church. They fought for their spiritual country, which the Church had made temporal, no one knows how. Properly understood, this is a reversion to paganism. Since the Gospel does not establish a national religion, all holy wars are impossible among Christians.

Under the pagan emperors, Christian soldiers were brave. All the Christian authors affirm the fact, and I believe it. It was a rivalry for honour with pagan soldiers. From the time the emperors were Christians

this rivalry came to an end, and when the cross had chased away the eagle, all Roman valour disappeared.

However, setting aside political considerations, let us return to right and determine the principles on this important point. The right that the social pact gives the sovereign over his subjects, as I have stated, does not pass beyond the limits of public utility.⁹⁸ Thus, the subjects do not have to answer to the sovereign for their opinions, except to the extent that these opinions are significant to the community. Now, it is very important to the state that each citizen has a religion that makes him love his duties, but neither the state nor its members have any interest in the doctrines of this religion except insofar as these doctrines relate to morality, and to the duties that the person professing them is obliged to fulfill towards others. Beyond that, each man can have whatever opinions he pleases, without the sovereign having any business knowing about them. For, since the sovereign has no authority in the world beyond, whatever the fate of his subjects in the life to come, it is not his concern, provided that they are good citizens in this one.

Therefore, there is a purely civil profession of faith; its articles are the business of the sovereign to establish, not as religious dogmas exactly, but as sentiments of sociability, without which it is impossible to be a good citizen or a faithful subject.⁹⁹ While the sovereign cannot oblige anyone to believe them, it can banish from the state anyone who does not

⁹⁸[Rousseau's note] "In the republic," says the Marquis d'Argenson, "each person is perfectly free in what is not harmful to others." There you have the invariable limit. One cannot state the matter more precisely. I could not deny myself the pleasure of quoting this manuscript from time to time, although it is unknown to the public, to render homage to the memory of an illustrious and respectable man, who even in ministerial office maintained the heart of a true citizen as well as just and sound views on the government of his country.

⁹⁹[Rousseau's note] Caesar, pleading for Catiline, tried to establish the doctrine of the mortality of the soul. Cato and Cicero, in their refutation of him, did not waste time philosophizing. They were content to show that Caesar spoke like a bad citizen and was advancing a doctrine pernicious to the state. And this, in fact, was what the Roman senate had to judge, not a question of theology.

believe them, and it can banish him not because the person is impious, but because he is unsociable, because he is incapable of sincerely loving the laws of justice and of sacrificing his life, if need be, to his duty. And if someone who has publicly accepted these very doctrines behaves as if he does not believe them, he should be punished with death, for he has committed the greatest of crimes: he has lied before the laws.

The doctrines of civil religion must be simple, few in number, and precisely stipulated, without explications or commentaries: the existence of the Divinity, a powerful, intelligent, beneficent, provident, and foreseeing god, the life to come, the happiness of the just, the punishment of the wicked, and the sanctity of the social contract and the laws: there are the positive doctrines. As for the negative ones, I limit them to one: intolerance. It is part of the cults we have excluded.

In my view, those who distinguish between civil intolerance and theological intolerance are making a mistake. These two forms of intolerance are inseparable. It is impossible to live in peace with people one believes to be damned. To love them would be to hate the God who punishes them. It is necessary that one brings them back or tortures them. Wherever theological intolerance is permitted, it is impossible for it not to have some civil effect, and as soon as it has, the sovereign is no longer sovereign, even in temporal matters.¹⁰⁰ From that point on, the priests are the true masters. Kings are merely their officers.

¹⁰⁰[Rousseau's note] Marriage, for example, is a civil contract and thus has civil consequences without which it is impossible for society even to subsist. Suppose, then, that the clergy succeeded in claiming the sole right to permit this act, a right that it must necessarily usurp in every intolerant religion. In that case, is it not obvious that validating the authority of the church in this matter will make the authority of the prince ineffectual, for he will then have only as many subjects as those the clergy will be willing to provide him? If the church has the power to marry or not to marry people depending on whether or not they profess this or that doctrine, on whether they accept or reject this or that formula, or on whether they are more or less devout, is it not obvious that, by behaving prudently and holding firm, it alone will administer inheritances, offices, citizens, and even the state, which could not subsist, no longer being composed of anything but bastards? But, it will be said, there will be appeals on the grounds of abuse, there will be summonses and decrees, and temporal goods will be seized. How pitiful! The clergy, given that it has a

Nowadays, when there is no longer—and cannot be—an exclusive national religion, people should tolerate all those who tolerate the others, as long as their doctrines contain nothing which contradicts the duties of the citizen. However, anyone who dares to say, *Outside the Church there is no salvation* should be driven from the state, unless the state is the church and the prince its pontiff. Such a doctrine is good only in a theocratic government. In all others it is pernicious. The reason Henry IV is said to have embraced the Roman religion should make every honest man leave it, especially any prince who knows how to reason.

CHAPTER 9 CONCLUSION

Now that I have set down the true principles of political right and attempted to establish the state on its foundation, it remains to support it in its external relations. This would include the rights of nations, trade, the right of war and conquests, public right, leagues, negotiations, treaties, and so on. But all that is a new subject, too vast for my limited vision, which I should always keep focused on things closer to me.

End of the fourth and final part.

little—I will not say courage—but good sense, will let this happen and go on its way. It will calmly permit these appeals, summonses, decrees, and seizures and will end up being the master. There is no great sacrifice, it seems to me, in abandoning a portion when one is sure of grasping the whole.